



भारत का राजपत्र The Gazette of India

सी.जी.-डी.एल.-अ.-29082024-256715
CG-DL-E-29082024-256715

असाधारण

EXTRAORDINARY

भाग II — खण्ड 2

PART II — Section 2

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं० 19]	नई दिल्ली, शुक्रवार, अगस्त 9, 2024/श्रावण 18, 1946 (शक)
No. 19]	NEW DELHI, FRIDAY, AUGUST 9, 2024/SRAVANA 18, 1946 (SAKA)

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

LOK SABHA

The following Bills were introduced in Lok Sabha on 9th August, 2024:—

Bill No. 78 of 2024

A Bill to regulate the manner of the functioning and exercise of powers of Indian Intelligence Agencies within and beyond the territory of India and to provide for the coordination, control and oversight of such agencies.

Be it enacted by Parliament in the Seventy-fifth Year of the Republic of India as follows:—

PART I

PRELIMINARY

1. (1) This Act may be called the Intelligence Services (Powers and Regulation) Bill, 2024.

Short title,
extent,
application and
commencement.

(2) This Act shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

(3) This Act extends to the whole of India and applies to:—

(a) all citizens of India, inside and outside India;

(b) persons in the service of the Government wherever they may be; and

(c) persons on ships and aircrafts registered in India wherever they may be.

Definition.

2. In this Act, unless the context otherwise requires,—

(i) “Committee” means the National Intelligence and Security Oversight Committee established under section 12;

(ii) “Intelligence Bureau” means the Intelligence Bureau constituted under section 4;

(iii) “Indian territory” shall have the same meaning as is ascribed to the territory of India under article 1 of the Constitution;

(iv) “law enforcement agency” means and includes—

(a) any government department; and

(b) any other person charged with the duty of investigating offences or charging offenders;

(v) “Member of the Tribunal” means the members appointed under section 24;

(vi) “National Technical Research Organisation” means the National Technical Research Organisation constituted under section 6;

(vii) “national security” includes the sovereignty, territorial integrity, economic stability and upholding of the Constitution;

(viii) “prescribed” means prescribed by rules made under this Act;

(ix) “Research and Analysis Wing” means the Research and Analysis Wing constituted under section 3;

(x) “threats to national security” includes:—

(a) terrorist acts, including international terrorism;

(b) espionage directed against the country or otherwise detrimental to the security of the country;

(c) sabotage directed against the vital national infrastructure of the country or otherwise directed against the country;

(d) organized crime directed against the country or otherwise detrimental to the security of the country;

(e) drug, arms and human trafficking directed against the country or otherwise detrimental to the security of the country;

(f) illegal international proliferation of weapons of mass destruction or the components thereof as well as materials and tools required for their production;

(g) illegal trafficking of internationally controlled products and technologies; and

(h) organized acts of violence or intimidation against ethnic or religious groups within the country;

(xi) “terrorist act” shall have the same meaning as ascribed to it in the Unlawful Activities (Prevention) Act, 1967; and

(xii) “Tribunal” means the National Investigation Tribunal established under section 23.

PART II

THE RESEARCH AND ANALYSIS WING

3. (1) There shall be constituted a Research and Analysis Wing (hereinafter referred to as the R&AW) which shall function under the control of the Prime Minister. Research and Analysis Wing.

(2) The functions of the R&AW shall be exercisable:—

(a) in the interests of National security, with particular reference to the defence, security strategic, economic and foreign policies of the Union of India; or

(b) in aid of the neutralization of threats from external sources.

(3) The day-to-day operation of the R&AW shall be vested in an officer not below the rank of a Secretary to the Government of India who shall be appointed by the Prime Minister and who shall hold office for a period of two years or till he attains the age of sixty-two years, whichever is later.

(4) It shall be the duty of the head of the R&AW to ensure that —

(a) no information is collected and used by the R&AW except what is necessary for discharge of its functions and that no information under their custody is disclosed by it except so far as necessary for the proper and efficacious conduct of functions assigned to it;

(b) the R&AW does not take any action that furthers the interests of any political party or coalition of political parties or other such interest groups; and

(c) there are appropriate arrangements for coordination with the IB, the NTRO Central Para-Military Organizations and other law enforcement agencies for proper implementation of the mandate of this Act.

(5) The head of the R&AW shall submit a bi-annual report on the working of the R&AW, including of its accounts, to the Prime Minister and may, at any time, report to the Prime Minister on any matter relating to its work.

(6) The head of the R&AW shall not be eligible for reappointment to any post under the State except as an Advisor to the Government of India.

PART III

THE INTELLIGENCE BUREAU

4. (1) There shall be constituted an Intelligence Bureau (hereinafter referred to as the IB) which shall function under the control of the Prime Minister. Intelligence Bureau.

(2) It shall be the duty of the IB to work for national security in the context of internal conflict and, in particular, provide protection against threats from espionage, terrorist acts organized by other countries within the territory of India with the help of Indian nationals or residents and from actions intended to subvert the Constitution of India by violent means.

(3) It shall perform the following functions:—

(i) collection and management of intelligence within the country;

(ii) safeguarding the economic well-being of the Union of India against threats posed by the actions or intentions of any person whether Indian national or otherwise within the country; and

(iii) acting in aid to the central and state police agencies including Para-Military Organizations and other law enforcement agencies.

5. (1) The day-to-day control of the IB shall be vested in a Director who shall be appointed by the Prime Minister and shall hold office for a period of two years or till he attains the age of sixty-two years, whichever is earlier. Director of the IB.

(2) It shall be the duty of the Director to ensure that—

(a) no information is collected and used by the IB except what is necessary for discharge of its functions and that no information under their custody is disclosed by it except so far as necessary for the proper and efficacious conduct of functions assigned to it;

(b) the IB does not take any action that furthers the interests of any political party or coalition of political parties or other such interest groups; and

(c) there are appropriate arrangements for coordination with the R&AW, the NTRO, Central Para-Military Organizations and other law enforcement agencies for proper implementation of the mandate of this Act.

(3) The Director shall submit a bi-annual report on the working of the IB, including of its accounts, to the Prime Minister and may, at any time, report to the Prime Minister on any matter relating to its work.

(4) The Director shall not be eligible for reappointment to any post under the State except as an Advisor to the Government of India.

PART IV

THE NATIONAL TECHNICAL RESEARCH ORGANISATION

National
Technical
Research
Organisation.

6. (1) There shall be constituted a National Technical Research Organisation (hereinafter referred to as the NTRO) which shall function under the control of the Prime Minister.

(2) It shall perform the following functions—

(a) to monitor and interfere with all forms of communications using such technical equipments as it may think fit within and beyond the territorial boundaries of India and also monitoring the uses of such equipments;

(b) to collect and provide information so collected in such form and to such agencies as may be prescribed; and

(c) to provide advice and assistance about—

(i) languages including technical terminology used for technical matters, and

(ii) cryptography and other matters relating to the protection of classified information and other such material, to the armed forces of the Union of India, to the Central Government or to any other organization which is determined for the purposes of this section in such manner as may be specified by the Prime Minister.

(3) The function referred to in sub-section (2)(a) above shall be exercisable only—

(a) in the interests of national security, with particular reference to the fields of defence, internal security and furtherance of foreign policy of the country; or

(b) in the interests of economic well-being of the country in relation to the actions or intentions of any person whether Indian national or otherwise, inside or outside the Indian territory; or

(c) in support of prevention, detection, interdiction or investigation of such crimes as may be assigned to it by the Prime Minister.

(4) In this Act, the expression “NTRO” refers to the National Technical Research Organisation and to any unit or part of a unit of the armed forces of the Union of India, which is for the time being, required by the Prime Minister to assist the NTRO in carrying out its functions.

7. (1) The day-to-day operation of the NTRO shall be vested in a Chairman who shall be appointed by the Prime Minister and who shall hold office for a period of two years or attaining the age of sixty-two years, whichever is earlier.

Chairman of
the NTRO.

(2) It shall be the duty of the Chairman to ensure that—

(a) no information is obtained by NTRO except when it is necessary for the discharge of its functions under the Act and that no information is disclosed to any person or agency except when it is necessary for discharge of its functions or for the purpose of any matter connected with ensuring the security, stability and sovereignty of the country;

(b) it does not take any action that furthers only the interests of any political party or similar interest group.

(3) The Chairman shall submit a bi-annual report on the working of the NTRO, including of its accounts, to the Prime Minister and may, at any time, report to the Prime Minister on any matter relating to its work.

(4) The Chairman shall not be eligible for reappointment to any post under the State except as an Advisor to the Government of India.

PART V

AUTHORISATION AND PROCEDURES

8. (1) No entry on any property or interference with any form of communication including wireless telegraphy under the Act shall be lawful unless it is authorized by a warrant issued by the authority designated for the purpose by the Central Government:

Authorisation
of certain
actions for the
R&AW, the IB
and the
NTRO.

Provided that the authority so designated shall not be an officer below the rank of a Secretary to the Government of India (hereinafter referred to as the Designated Authority).

(2) The Designated Authority may, on an application made by the IB or the R&AW or the NTRO, as the case may be, issue a warrant under this section authorizing the taking of such action as is specified in the warrant in respect of any property or in respect of all forms of communication including wireless telegraphy, if the Designated Authority—

(a) deems it necessary for the action to be taken on the ground that it is likely to be of substantial value in assisting, as the case may be,—

(i) the R&AW in carrying out any of its functions under section 3; or

(ii) the IB in carrying out any of its functions under section 4; or

(iii) the NTRO in carrying out any function which falls within section 6;

(b) is satisfied that the objective cannot reasonably be achieved by any other means; and

(c) is satisfied that adequate arrangements are in force with respect to the disclosure of information obtained under this section and that any information obtained under the warrant shall be subject to those arrangements.

(3) A warrant authorizing action for prevention or detection or interdiction of any terrorist act may also include action outside the Country in such manner as may be prescribed.

(4) Subject to sub-section (5), the IB may make an application under sub-section (2) for a warrant to be issued authorizing the IB (or a person acting on its behalf) to take such action as is specified in the warrant on behalf of the R&AW or the NTRO and, where such a warrant is issued, the functions of IB shall include the carrying out of the action so specified, whether or not it would otherwise be within its functions:

Provided that no application shall be made for a warrant by virtue of sub-section (4) above except where the action proposed to be authorized by the warrant—

(a) is an action in respect of which the R&AW or the NTRO, as the case may be, could make such an application; or

(b) is to be taken otherwise than in support of preservation of national security.

Warrants.
procedure,
duration for
the R&AW,
the IB and the
NTRO.

9. (1) A warrant shall not be issued except—

(a) under the hand of the Designated Authority; or

(b) in an urgent case where the Prime Minister has expressly authorized its issue and a statement of that fact is endorsed on it, under the hand of the Director of IB or the Secretary of the R&AW or the Chairman of the NTRO, as the case may be.

(2) A warrant shall, unless renewed under sub-section (3), cease to have effect,—

(a) if the warrant had been issued under the hand of the Designated Authority, at the expiry of the period of three months from the date on which it was issued; and

(b) in any other case, at the expiry of the period ending with the second working day following the day on which it was issued.

(3) If, at any time before the day on which a warrant would cease to have effect, the Designated Authority considers it necessary for the warrant to continue to have effect for the purpose for which it was issued, he may, by an instrument, under his hand, renew it for a further period of three months beginning with the day it would otherwise have ceased to be effective.

(4) The Designated Authority may cancel a warrant if he is satisfied that the action authorized by it is no longer necessary.

Authorisation
of acts outside
the Indian
territory for
the R&AW
and NTRO.

10. (1) If, except in so far as provided for in this Part, a person is liable to the Union of India for any act done outside the Indian territory, he shall not be so liable if the act is one which is authorized to be done by virtue of an authorization given by the Designated Authority under this section.

(2) The Designated Authority shall not give an authorization under this section unless he is satisfied—

(a) that any act which may be done in reliance on the authorization or, as the case may be, the operation in the course of which the acts may be done will be necessary for the proper discharge of a function of the R&AW and the NTRO, as the case may be; and

(b) that satisfactory arrangements are in force to ensure—

(i) that nothing is done in reliance on the authorization beyond what is necessary for the proper discharge of a function of the R&AW or the NTRO, as the case may be;

(ii) that, in so far as any acts may be done in reliance on the authorization, their nature and likely consequences will be reasonable, having regard to the purposes for which they are carried out; and

(c) that satisfactory arrangements are in force with respect to the disclosure of information obtained by virtue of this section and that any information obtained by virtue of anything done in reliance on the authorization will be subject to those arrangements.

(3) Without prejudice to the generality of the power of the Designated Authority to give an authorization under this section, such an authorization—

(a) may relate to a particular act or acts, of a description specified in the authorization or to acts undertaken in the course of an operation so specified;

(b) may be limited to a particular person or persons of a description so specified; and

(c) may be subject to such conditions as may be specified.

(4) An authorization shall not be given under this section except—

(a) under the hand of the designated authority; or

(b) in an urgent case where the Prime Minister has expressly authorized its issue and a statement of that fact is endorsed on it, under the hand of the Director of IB or the head of the R&AW or the Chairman of the NTRO, as the case may be.

(5) An authorization shall, unless renewed under sub-section (6) below, cease to have effect—

(a) if the authorization was given under the hand of the Designated Authority, at the expiry of the period of three months from the date of its issue;

(b) in any other case, at the expiry of the period ending with the second working day following the day on which it was given.

(6) If, at any time before the day on which a warrant would cease to have effect, the Designated Authority considers it necessary for the authorization to continue to have effect for the purpose for which it was issued, he may, by an instrument, under his hand, renew it for a further period of three months beginning with the day it would otherwise have ceased to be effective.

(7) The Designated Authority shall cancel an authorization if he is satisfied that any act authorized by it is no longer necessary.

11. (1) Any information obtained by the R&AW, IB and NTRO without a specific warrant or authorization under section 9 or 10, shall not be used to take action against individuals to whom this information relates to.

Unauthorised information.

(2) Such information obtained without specific warrant may only be used for the limited purpose of authorizing fresh warrants.

(3) The R&AW, the IB and the NTRO, as the case may be, shall apply for fresh warrants in accordance with section 9 and 10 herein within forty-eight hours of obtaining any such information in the event of any such information being relevant to the discharge of functions and duties of the R&AW, IB and NTRO, as applicable.

PART VI

THE NATIONAL INTELLIGENCE AND SECURITY OVERSIGHT COMMITTEE

12. (1) There shall be constituted a Committee, to be known as the National Intelligence and Security Oversight Committee (hereinafter referred to as the Committee) to examine the administration and compliance of policy laid down under this Act.

Establishment of National Intelligence and Security Oversight Committee.

(2) The Committee shall, unless it is necessary to perform the functions assigned to it under the Act, not go into the operational aspects and sources of intelligence of the functioning of the R&AW, the IB and the NTRO, as the case may be.

(3) The Committee shall consist of the following:—

(a) the Chairman of the Council of States, Chairperson;

(b) the Speaker of the House of the People, Member;

(c) the Prime Minister, Member;

(d) the Minister of Home Affairs, Member;

(e) the Leader of Opposition in the House of the People, Member;

(f) the Leader of Opposition in the Council of States, Member; and

(g) one member each from the House of the People and the Council of States to be nominated by the Presiding Officers of the respective Houses, as members.

(4) The Cabinet Secretary shall be the Secretary to the Committee, ex-officio.

(5) The Committee shall submit an annual report on their functioning to the Prime Minister and may at any time report to him on any matter relating to discharge of those functions.

(6) If it appears to the Prime Minister, after consultation with the Committee, that the publication of any matter in a report would be prejudicial to the discharge of the functions of the R&AW, the IB or the NTRO, the Prime Minister may exclude that matter from the annual report.

(7) The Prime Minister shall lay on the table of each House of Parliament a copy of each annual report submitted by the Committee under sub-section (5) together with a statement as to whether any matter has been excluded.

Tenure of
Office.

13. (1) Subject to the provisions of this section, a member of the Committee shall hold office for the duration of his membership of the House to which he has been elected.

(2) A member of the Committee shall vacate office—

(a) if he ceases to be the Speaker of the House of the People or a member of the House of the People or;

(b) if he ceases to be the Chairperson of the Council of States or a member of the Council of States;

(c) if he ceases to be the Leader of Opposition in the Council of States or the House of the People;

(d) by resigning at any time through a notice to the Chairperson of the Committee.

Procedure.

14. (1) Subject to the provisions of this section, the Committee may determine their own procedure.

(2) If on any matter there is an equality of voting among the members of the Committee, the Chairperson shall have and exercise the casting vote.

(3) The Chairperson may appoint one of the members of the Committee to act, in his absence, as the Chairman at any meeting of the Committee, but the person acting as such shall not have a casting vote.

(4) The quorum for a sitting of the Committee shall be three.

Access to
information.

15. (1) If the Director of the IB or the Secretary of the R&AW or the Chairman of the NTRO is asked by the Committee to disclose any information under their custody, then, as to the whole or part of the information which is sought, he shall either—

(a) arrange for it to be made available to the Committee subject to and in accordance with arrangements approved by the Cabinet Secretary; or

(b) inform the Committee that it cannot be disclosed because—

(i) it is sensitive information which, in his opinion, may not be made available; or

(ii) the Prime Minister has certified that it should not be disclosed.

(2) The fact that any particular information is sensitive shall not prevent its disclosure, if the Director, IB or the Secretary, R&AW or the Chairman, NTRO, as the case may be, consider it safe to disclose.

(3) Any information which has not been disclosed to the Committee on the ground that it is sensitive information, shall be disclosed to them if the Cabinet Secretary certifies in the prescribed manner that it is fit to be disclosed in public interest.

(4) The disclosure of information to the Committee in accordance with the provisions of this section shall be regarded for the purposes of this Act as necessary for the proper discharge of the functions of the R&AW, the IB and the NTRO.

Explanation.— In this section, the expression ‘sensitive information’ shall include—

(a) an information which might lead to the identification of, or provide details of the sources of information or operational methods used by the R&AW, the IB and the NTRO;

(b) information about specific operations which have been, are being or are proposed to be undertaken in pursuance of any of the functions of those bodies; and

(c) information provided by the Government or an agency of any other country which does not consent to the disclosure of the information.

PART VII

INTELLIGENCE OMBUDSMAN

16. (1) The Central Government shall, in consultation with the National Intelligence and Security Oversight Committee, appoint an Intelligence Ombudsman (hereinafter referred to as the “Ombudsman”) from amongst persons having special knowledge in the field of intelligence to address the grievance of the members of staff and officers of the R&AW, the IB and the NTRO:

Intelligence
Ombudsman.

Provided that no person shall be appointed as an Ombudsman who has served as the Secretary, R&AW; the Director, IB or the Chairman, NTRO.

(2) The administrative control of the Ombudsman shall be vested in the Cabinet Secretary.

(3) The Ombudsman shall be appointed for a tenure of three years from the date of his appointment or till he attains the age of sixty-eight years, whichever is earlier.

(4) The Ombudsman shall perform the following functions:—

(i) resolve grievances of members of staff or officers of the R&AW, the IB and the NTRO, as the case may be;

(ii) suggest changes in the administrative practices of the R&AW, the IB and the NTRO, as the case may be, to mitigate the problems of the members of staff or officers of the R&AW, the IB and the NTRO, as the case may be.

(5) Not later than thirty-first day of March of each calendar year, the Ombudsman shall prepare and submit a report of its functioning to the Prime Minister.

(6) Without prejudice to the generality of the foregoing provision, the report shall contain—

(a) the recommendations of the Ombudsman for improving functioning of the R&AW, the IB and the NTRO;

(b) a summary of the problems of the members of staff or officers with the R&AW, the IB and the NTRO, as the case may be, including a description of the nature of such problems;

(c) a summary of,—

(i) action taken in matters enumerated in clauses (a) and (b);

(ii) the result of such action;

(iii) the matters where no action was taken and the period for which the matter has been pending;

(iv) the reasons why no action was taken along with the persons responsible for such non-action;

(v) the recommendations with a view to solve the problems of the members of the R&AW, the IB and the NTRO; and

(d) such other information as the Ombudsman may deem necessary.

(7) The Ombudsman may consult the heads of the R&AW, the IB and the NTRO, as the case may be, in carrying out the Ombudsman's responsibilities under this section.

Procedure.

17. (1) The orders of the Ombudsman in relation to any complaint by a member of staff or officer of the R&AW, the IB or the NTRO, as the case may be, shall be implemented by the Government in such manner as it may specify.

(2) It shall be the duty of every member of the R&AW, the IB or the NTRO to disclose or to give to the Ombudsman such documents or information as may be required for the purpose of enabling him to carry out his functions under this Act.

(3) The Ombudsman shall carry out his functions in such a way as to ensure that no document or information disclosed or given to him by any person is disclosed without the consent of such person to any complainant or to any person holding office under the Union of India or to any other person; and accordingly the Ombudsman shall not, except in its reports under sub-section (1) of section 22, give any reasons for a determination notified by them to a complainant.

(4) Subject to sub-section (3), the Ombudsman may determine his own procedure.

Complaints to the Ombudsman.

18. Any complaint by a member or ex-member of the IB, the R&AW or the NTRO, as the case may be, in relation to his service and, unless the Ombudsman consider that the complaint is frivolous, vexatious or without any valid basis, shall be dealt with in accordance with this Part.

Reference and investigations by the Ombudsman.

19. (1) After the submission of the complaint, if the Ombudsman is *prima facie* satisfied, a copy of such complaint shall be forwarded to the persons heading the IB, the R&AW and the NTRO, as the case may be, for their reply and comments on the allegation or grievances reported in the application by the complainant.

(2) The R&AW, the IB and the NTRO shall submit their replies or comments, as the case may be, within three weeks of receipt of the complaint from the Ombudsman.

(3) The Ombudsman shall give its decision within 45 days of the receipt of the complaint.

Disposal of the complaint.

20. Where the Ombudsman determines that the R&AW, the IB or the NTRO, as the case may be, did not have reasonable grounds for their actions or inactions, they shall—

(a) give notice to the complainant that they have made a determination in his favour; and

(b) send a recommendation of their findings to the persons heading the R&AW, the IB and the NTRO, as the case may be.

Remedies.

21. Where the Ombudsman passes a finding or an order, the Ombudsman may do all or any of the following, namely,—

(a) direct that any action by which the complainant is so aggrieved be reversed or if the act cannot be reversed, give such relief including compensation to the complainant as it may determine;

(b) direct the persons heading the R&AW, the IB or the NTRO, as the case may be, to pay to the complainant such sums by way of compensation as may be specified by the Ombudsman.

22. The Director of IB or the Secretary of the R&AW or the Chairman of the NTRO, as the case may be, shall establish procedures, requiring a formal response to all complaints received from the Ombudsman and comply with the findings, orders or recommendations of the Ombudsman within three weeks of the receipt of the order of the Ombudsman.

R&AW, IB and NTRO to comply with the orders of the Ombudsman.

PART VIII

NATIONAL INTELLIGENCE TRIBUNAL

23. The Central Government shall, by notification in the Official Gazette, establish a tribunal to be known as the National Intelligence tribunal (hereinafter referred to as the Tribunal), for the purpose of investigating complaints against the R&AW, the IB or the NTRO.

National Intelligence Tribunal.

24. The Tribunal shall consist of—

Constitution of the Tribunal.

(i) a Chairperson who shall be a sitting or a retired judge of the Supreme Court, to be appointed by the Central Government in consultation with the Chief Justice of the Supreme Court;

(ii) one member who is or has been a judge of the High Court to be appointed by the Central Government in consultation with the Chief Justice of the High Court concerned; and

(iii) one member who shall be appointed from amongst persons who have been the head of the IB or the R&AW, to be appointed from the two services alternately.

25. The Chairperson or members of the Tribunal shall hold office for a term of five years from the date on which they enter upon office and shall not be eligible for reappointment.

Term of office.

26. (1) The Chairperson or a member of the Tribunal may, by notice in writing under his hand, addressed to the President, resign his office:

Resignation and removal.

Provided that the Chairperson or a member shall, unless permitted by the President to relinquish office sooner, continue to hold office until the expiry of three months from the date of receipt of such notice or until a person duly appointed as his successor enters upon his office or until the expiry of his term of office, whichever is earlier.

(2) The Chairperson or a member other than a sitting Judge of the Supreme Court or a High Court, as the case may be, of the Tribunal shall not be removed from office except by an order made by the President on the ground of proved misbehaviour or incapacity after an inquiry made by a sitting Judge of the Supreme Court in which such Chairperson or other member had been informed of the charges against him and given a reasonable opportunity of being heard in respect of those charges.

(3) The Central Government may, by rules to be prescribed, regulate the procedure for the investigation of misbehaviour or incapacity of the Chairperson or other members referred to in sub-section (2).

27. (1) The Chairperson shall have the power to review the exercise by the State of its powers of issuing authorizations or warrants under sections 8, 9, 10 and 11 of this Act.

Functions of the Chairperson.

(2) The Tribunal shall submit a bi-annual report on their functioning to the Prime Minister.

(3) The Prime Minister shall cause to lay before each House of Parliament a copy of each annual report submitted by the Committee under sub-section (2) together with a statement

as to whether any matter has been excluded from that report in pursuance of sub-section (4).

(4) If it appears to the Prime Minister, after consultation with the Chairman of the Tribunal, that the publication of any matter in a report would be prejudicial to the discharge of the functions of the R&AW, the IB or the NTRO, as the case may be, he may exclude that matter from the annual report laid before each House of Parliament.

(5) The Prime Minister may, in consultation with the Chairperson provide the Tribunal with such staff and infrastructure facilities as the Chairperson thinks necessary for the discharge of his functions.

Salaries and expenses.

28. The Chairperson and members shall hold office in accordance with the terms of their appointment and they shall be paid such salary and allowances equivalent to their last drawn salary and allowances.

Financial and Administrative Powers of the Chairperson.

29. The Chairperson shall exercise such financial and administrative powers over the Tribunal as may be prescribed:

Provided that the Chairperson shall have the authority to delegate such of his financial and administrative powers as he may think fit to any other member or any officer of the Tribunal, subject to the conditions that such member or officer shall, while exercising such delegated powers, continue to act under the direction, control and supervision of the Chairperson.

Staff of the Tribunal.

30. (1) The Central Government shall determine the nature and categories of the officers and other employees required to assist the Tribunal in the discharge of its functions and provide the tribunal with such officers and other employees as it may think fit.

(2) The salaries and allowances payable to, and the other terms and conditions of service of the officers and other employees of the Tribunal shall be such as may be prescribed.

(3) The officers and other employees of the Tribunal shall discharge their functions under the general superintendence of the Chairperson.

Jurisdiction, powers and authority of the Tribunal.

31. (1) It shall be the duty of the Government or any of its agencies to implement the orders of the tribunal.

(2) It shall be the duty of the R&AW, the IB or the NTRO to disclose or give to the Tribunal such documents or information as it may require for the purpose of carrying out its functions under this Act.

(3) The Tribunal shall carry out its functions under this Act in such a way as to ensure that no document, or information disclosed or given to the Tribunal by any person is disclosed without the consent of such person to the complainant or to any person holding office under the Union of India or to any other person; and accordingly the Tribunal may not give any reason for their decision notified to a complainant.

(4) Subject to sub-section (3), the Tribunal may determine its own procedure.

(5) For the purpose of investigating and adjudicating a complaint under this Act, the Tribunal shall have the same powers as are vested in a Civil Court under the Code of Civil Procedure, 1908, while trying a suit in respect of the following matters, namely:—

5 of 1908.

(a) summoning and enforcing the attendance of any person and examining him on oath;

(b) requiring the discovery and production of documents;

(c) receiving evidence on affidavits;

(d) subject to the provisions of sections 129 and 130 of the Bharatiya Sakshya Adhiniyam, 2023, requisitioning any public record or document or copy of such record or document from any office;

47 of 2023.

- (e) issuing commissions for the examination of witnesses or documents; and
- (f) reviewing its decisions.

(6) The Tribunal shall have the power to decide both questions of interpretation of provisions of this Act and facts that may be raised before it.

32. (1) Any person may complain to the Tribunal if he is aggrieved by anything which he believes the R&AW or the IB or the NTRO, as the case may be, has wrongfully done in relation to him or to his property. Investigation of complaints.

(2) On receipt of a complaint by any person aggrieved by the actions of the R&AW or the IB or the NTRO, as the case may be, if the Tribunal after such inquiry, as it may deem necessary, is satisfied that it is fit for adjudication by it, admit such complaint; but where the Tribunal is not satisfied, it may dismiss the application after recording its reasons in writing.

(3) In so far as the complaint alleges that anything has been done wrongfully in relation to any property of the complainant, the Tribunal shall investigate—

(a) whether the R&AW or the IB or the NTRO, as the case may be, had obtained or provided information or performed any other tasks in relation to the submissions of the complainant; and

(b) if so, whether the R&AW or the IB or the NTRO, as the case may be, had reasonable grounds for taking that action.

(4) If, in the course of the investigation of a complaint by the Tribunal, if the Tribunal consider it necessary to establish whether a warrant and/or an authorization was issued/ given to the R&AW or the IB or the NTRO, as the case may be, under sections 9 and/or 11 of this Act for the commission of any act, it shall refer so much of the complaint as relates to the doing of that act to the Designated Authority for validation of the actions.

(5) If the Tribunals hold that a valid warrant was issued or a valid authorization was given, it shall determine whether the Designated Authority was acting properly in issuing or renewing the warrant or, as the case may be, in giving or renewing the authorization.

(6) The Tribunal shall make a determination within forty-five days of the receipt of the complaint.

45 of 2023. (7) All proceedings before the Tribunal shall be deemed to be judicial proceedings for the purposes of sections 228, 229, 257 and 267 of the Bharatiya Nyaya Sanhita, 2023 and the Tribunal shall be deemed to be a court for the purposes of section 215 and Chapter XXVIII of the Bharatiya Nagarik Suraksha Sanhita, 2023.

46 of 2023.

(8) The decision of the Tribunal shall be taken by majority and it shall be binding on all parties.

33. (1) A person making a complaint to the Tribunal may either appear in person or take the assistance of a legal practitioner before the Tribunal. Assistance of legal practitioner.

(2) The Central Government or the competent authority, as may be prescribed, may authorize one or more legal practitioners or any of its law officers to act as counsel and every person so authorized by it may present its case with respect to any complaint before the Tribunal.

34. Where the Tribunal determines under section 32 that the R&AW or the IB or the NTRO, as the case may be, did not have reasonable grounds for its actions or inactions, the Tribunal may, by an order, direct— Relief, compensation and restitution.

(a) that the obtaining and providing of information in relation to the complainant or, as the case may be, the conduct of other activities in relation to him or to any property of his shall cease and that any records relating to such information so obtained or provided shall be destroyed in such manner as to render them unusable henceforth such activities shall be stopped forthwith;

(b) payment of compensation to the person who has been aggrieved by the actions of the R&AW or the IB or the NTRO, as the case may be;

(c) restitution of property damaged by such actions;

(d) quashing of any warrant or authorization which the Tribunal has found to have been improperly issued, renewed or given; and

(e) institution of proceedings under the relevant statutes and applicable laws against the persons responsible for that.

Appeal.

35. Any person, aggrieved by an order made by the National Intelligence Tribunal, he may prefer an appeal to the Supreme Court within a period of ninety days from the date of such order.

Power to
make rules.

36. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of the Act.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

Intelligence agencies are responsible for maintaining internal security and combating external threats to the sovereignty and integrity of the nation. These responsibilities range from counter-terrorism measures tackling separatist movements to critical infrastructure protection. These agencies are operating without an appropriate statutory basis delineating their functioning and operations. This tends to, among other things, compromise operational efficiency and weakens the professional fabric of these agencies. It also results in intelligence officers not having due protection when performing their duties.

Assessments and gathering of information by intelligence agencies are catalysts for law enforcement units to act, necessitating that these be reliable, accurate and in accordance with law. This kind of efficiency has been hindered by obscured responsibilities that have plagued the functioning of the agencies.

Article 21 of the Constitution provides that no person shall be deprived of his life and personal liberty except according to the procedure established by law. The Supreme Court of India has carved a right to privacy from the right to life and personal liberty. Such rights to privacy are compromised when agencies undertake surveillance operations. In *Re: Peoples Union of Civil Liberties v. Union of India*, the Supreme Court issued detailed guidelines regarding telephone tapping. A proper legal framework is required to regulate surveillance of other forms, using different technologies, as well. There is an urgent need to balance the demands of security and privacy of individuals, by ensuring safeguards against the misuse of surveillance powers of intelligence agencies. Therefore, legislation is imperative to regulate the possible infringement of privacy of citizens, while giving credence to security concerns.

In view of the reasons stated, the Bill seeks to enact a legislation pursuant to Entry 8 of List I of the Seventh Schedule of the Constitution of India to provide:—

- (a) A legislative and regulatory framework for the Intelligence Bureau, the Research and Analysis Wing and the National Technical Research Organisation;
- (b) Designated Authority regarding authorization procedure and system of warrants for operations by these agencies;
- (c) A National Intelligence Tribunal for the investigation of complaints against these agencies.
- (d) A National Intelligence and Security Oversight Committee for an effective oversight mechanism of these agencies; and
- (e) An Intelligence Ombudsman for efficient functioning of the agencies and for matters connected therewith.

The Bill seeks to achieve the aforesaid objectives.

NEW DELHI;
July 9, 2024.

MANISH TEWARI

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the constitution of a Research and Analysis Wing under the control of the Prime Minister. Clause 4 provides for the establishment of an Intelligence Bureau under the control of the Prime Minister. Clause 5 provides for appointment of a Director for day-to-day operation of the IB. Clause 6 provides for the establishment of a National Technical Research Organisation under the control of the Prime Minister. Clause 7 provides for appointment of a Chairman in whom shall be vested the day-to-day operations of the NTRO. Clause 12 provides for the constitution of a National Intelligence and Security Oversight Committee to examine and administer and ensure compliance of the policies laid down under the Act. Clause 16 provides that an Intelligence Ombudsman shall be appointed by the Central Government. Clause 21 provides for remedies including compensation to the persons aggrieved by the actions of the intelligence agencies. Clause 23 provides that a National Intelligence Tribunal shall be established by the Central Government. Clause 24 provides for appointment of the Chairperson and members of the Tribunal. Clause 28 provides for salaries and other expenses of the Chairperson and members of the Tribunal. Clause 30 provides for the staff for the effective functioning of the Tribunal. Clause 34 provides for the payment of compensation to the persons who have suffered loss by any action of the R&AW or the IB or the NTRO.

The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that sum of rupees ten thousand crore will be involved as recurring expenditure per annum.

A non-recurring expenditure to the tune of rupees five hundred crore is also likely to be incurred from the Consolidated Fund of India.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 36 of the Bill gives power to the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

Bill No. 86 of 2024

A Bill further to amend the Constitution of India.

Be it enacted by Parliament in the Seventy-fifth Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, 2024.

Short title.

2. In article 80 of the Constitution, in clause (5), the following proviso shall be added at the end, namely:—

Amendment of
article 80.

"Provided that the representative of the Union territory of Chandigarh in the Council of States shall be elected by an electoral college consisting of elected members of the Municipal Corporation of Chandigarh constituted under the Punjab Municipal Corporation (Extension to Chandigarh) Act, 1994."

3. In the Fourth Schedule to the Constitution, in the Table—

(a) after entry 31, the following entry shall be inserted, namely:—

Amendment
of the Fourth
Schedule.

"32. Chandigarh..... 1";

(b) for the figures "233", the figures "234" shall be substituted.

STATEMENT OF OBJECTS AND REASONS

Article 79 of the Constitution provides for the Constitution of Parliament. Article 80 stipulates the Composition of the Council of States. Article 80 (5) states that the representatives of the (Union territories) in the Council of States shall be chosen in such manner as Parliament may by law prescribe. The words "States specified in Part C of the First Schedule" were omitted and replaced by Union territories by section 3 (1) (d) of the Constitution (Seventh) Amendment Act 1956 with effect from the 1st day of November, 1956.

The Union territories of Puducherry, Jammu and Kashmir and the National Capital territory of Delhi find representation in the Council of States. While the Union territories of Ladakh, Chandigarh, Dadra & Nagar Haveli - Daman and Diu, Andaman and Nicobar Islands and Lakshadweep are unrepresented in the Council of States.

A special law in terms of article 80 (5) of the Constitution therefore needs to be enacted to provide representation to the unrepresented Union territories in the Council of States. The proposed Bill is however specific to providing representation to the Union territory of Chandigarh in the Council of States.

The Bill provides that one person shall be elected to the Council of States from Chandigarh. Just as the Delhi Metropolitan Council served as the electoral college for electing three persons to the Council of States from Delhi from 1966 to 1990, similarly it is proposed that an electoral college consisting of the elected members of the Municipal Corporation of Chandigarh as brought into existence by an Ordinance, namely, the Punjab Municipal Corporation Act, 1976 as extended to Union territory Chandigarh by the Punjab Municipal Corporation Law (Extension to Chandigarh) Ordinance, 1994 and promulgated by the President of the India with effect from the 24th day of May, 1994 bringing the said Municipal Corporation of Chandigarh into existence, shall for the purposes of providing representation to Chandigarh in the Council of States constitute the electoral college for the same.

The said ordinance was replaced by the Punjab Municipal Corporation Law (Extension to Chandigarh) Act, 1994 as further amended by the Punjab Municipal Corporation Law (Extension to Chandigarh) Amendment Act, 2017.

The Bill seeks to amend the Constitution with a view to provide one seat to Union territory of Chandigarh in the Council of States. The representative would be elected by an electoral college consisting of elected members of the Municipal Corporation of Chandigarh constituted under the Punjab Municipal Corporation (Extension to Chandigarh) Act, 1994.

Hence this Bill.

NEW DELHI;
July 9, 2024.

MANISH TEWARI

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for allocation of one seat in the Council of States to the Union territory of Chandigarh. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is likely to involve an annual recurring expenditure of about rupees two lakhs from the Consolidated Fund of India.

No non-recurring expenditure is likely to be involved.

Bill No. 67 of 2024

A Bill further to amend the Constitution of India.

Be it enacted by Parliament in the Seventy-fifth Year of the Republic of India as follows:—

1. (1) This Act may be called the Constitution (Amendment) Act, 2024.

Short title and
commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. In article 324 of the Constitution,—

Amendment of
article 324.

(a) for clause (2), the following clauses shall be substituted, namely:—

“(2) The Election Commission shall consist of the Chief Election Commissioner and such number of other Election Commissioners, if any, as the President, may, in consultation with the Committee of Appointments, from time to time, fix.

(2A) The appointment of Chief Election Commissioner, Election Commissioners and Regional Commissioners shall, subject to the provisions of any law made in that behalf by Parliament, be made by the President on the recommendations of a Committee consisting of,—

- | | | | |
|-------|---|---|--------------|
| (i) | the Prime Minister | — | Chairperson; |
| (ii) | The Union Home Minister | — | Member; |
| (iii) | the Leader of the Opposition in the Council of States | — | Member; |
| (iv) | the Leader of the Opposition in the House of the People | — | Member; |
| (v) | the Chief Justice of Supreme Court | — | Member; |
| (vi) | two senior most puisne judges of Supreme Court of India to be nominated by the Chief Justice of India | — | Member; |

Explanation.— For the purposes of this clause, “the Leader of the Opposition in the House of the People” or “the Leader of the Opposition in the Council of States” shall, when no such leader has been so recognized, include the Leader of the single largest group in Opposition of the Government in the House of the People or the Council of States, as the case may be.

(2B) Notwithstanding any law made in that behalf by the Parliament, the term of office of the Chief Election Commissioner and Election Commissioners under clause (2) and Regional Commissioners under clause (4) shall be six years and three years from the date of assuming office, respectively.

Provided that after their retirement the Chief Election Commissioner, Election Commissioners or the Regional Commissioners shall not be eligible for appointment to any office under the Government of India, State Governments or under the Constitution;”.

(b) in clause (4), for the words, “after consultation with Election Commission”, the words “on the recommendation of the Committee” shall be substituted; and

(c) for clause (5), the following clause shall be substituted, namely:—

“(5) Subject to the provisions of any law made by Parliament, the conditions of service of the Election Commissioners and the Regional Commissioners shall be such as the President may by rule determine:

Provided that the Chief Election Commissioner, Election Commissioners and Regional Commissioners shall not be removed from his office except in like manner and on the like grounds as a Judge of the Supreme Court and the conditions of service of the Chief Election Commissioner, Election Commissioners and Regional Commissioners shall not be varied to their disadvantage after their appointment.”.

3. After article 328 of the Constitution, the following article shall be inserted, namely:—

“**328A.** (1) The regulation, monitoring and superintendence of internal functioning including but not limited to internal election of all registered political parties under the Representation of the People Act, 1951 shall be vested in the Election Commission.

43 of 1951.

(2) The Election Commission shall regulate, monitor and superintend the internal election of registered political parties under clause (1) in accordance with their respective constitutions until a Model Internal Code is prescribed by the Election Commission:

Provided that it shall incumbent on all registered political parties to incorporate Model Election Code into their respective constitutions after formulation by the Election Commission.

Insertion of new article 328A.
Election Commission to regulate, monitor and superintend the election of registered political parties.

(3) If any registered political party fails to comply with the advisories, duration and instructions issued by the Election Commission with regard to their internal functions, the recognition of such political party as a State or National may be withdrawn including any other action as the Election Commission deems fit under section 16A of the Election Symbols (Reservation and Allotment Order), 1968, as the case may be.”.

STATEMENT OF OBJECTS AND REASONS

The framers of the Constitution of India made a giant leap of faith when they incorporated universal adult suffrage into the design of India's founding document and enshrined it in article 326 of the Constitution.

In 1947 India's literacy rate was only twelve per cent. in other words eighty-eight per cent. of India was illiterate. What this decision meant was that all Indian citizen's irrespective of caste, colour, creed, sex, place of birth or any other disability including illiteracy would henceforth be qualified to participate in the great Indian democratic experiment that was set to unfold in 1952.

With every election since 1952 our democracy has deepened and got more broad based. In 1988 the voting age was lowered to eighteen years. By the 73rd and 74th amendment to the Indian Constitution, Parliament institutionalized democracy at the third tier or at the grass root level.

However there remains a very serious infirmity in the functioning of India's democratic model and that is the functioning of political parties that underpin our democratic edifice. The internal functioning and structures of an overwhelming number of these political parties are very opaque and ossified . There is a need to make their functioning transparent, accountable and rules based. At the last count there are 2858 political parties registered with the Election Commission of India. Out of these 8 are national parties, 54 are state parties and 2797 are unrecognised parties. On the 13th of August 1996 the Election Commission had issued a circular to all political parties registered with it whether national, state or unrecognised that they must hold regular elections in accordance with their respective constitution's. Under Section 29-A of the Representation of People's Act 1951 the Commission has the powers to register a political party but not deregister it.

While the Election Commission of India has superintendence, direction and control of elections under Part XV of the Constitution of India it has repeatedly argued before various Courts of Law that this does not extend to the supervision or superintendence of internal elections and functioning of political parties. This bill seeks to provide the Election Commission of India with the necessary wherewithal to regulate, monitor and superintend the internal functioning of all political parties registered with and withdraw recognition as national or state parties and to take such appropriate action under section 16-A of the Election Symbols (Reservation and allotment order) 1968 if they fail to comply with the directions of the Commission with regard to their internal functioning.

There is growing concern with regard to the independence and autonomy of the Election Commission. To maintain the impartiality and integrity of the Commission, it has become imperative that the Chief Election Commissioner and such other Election Commissioners as are deemed necessary be appointed by a Panel consisting of the Prime Minister of India, Union Home Minister, Leader of Opposition or Floor Leader in Lok Sabha, Leader of Opposition or Floor Leader in Rajya Sabha and Chief Justice of India and two senior most puisne judges of the Supreme Court of India.

It is also pertinent that the Chief Election Commissioner, Election Commissioners shall be given a fixed term of six years and the Regional Commissioners fixed term of three years from the dates of their respective appointments. They should not be removed from office except in accordance with the procedure laid down for the removal of a Supreme Court Judge. Also, after retirement they should not be eligible for any reappointment to any office under the Government of India, State Governments and the Constitution.

This is the second wave of Democratic Reforms that India requires. The Bill seeks to achieve the above objectives.

Hence this Bill.

NEW DELHI;
July 9, 2024.

MANISH TEWARI

Bill No. 80 of 2024

A Bill to provide for compulsory military training in schools and other educational institutions in order to promote discipline, physical fitness, national unity and preparedness among the youth of the nation.

Be it enacted by Parliament in the Seventy-fifth Year of the Republic of India as follows:—

1. (1) This Act may be called the Compulsory Military Training in Schools and Other Educational Institutions Act, 2024.

Short title,
extent and
commencement.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) “appropriate Government” means in the case of a State, the Government of that State and in all the other cases, the Central Government;

(b) “educational institution” means any school, college, university or other institution imparting education at primary, secondary, senior secondary or higher education, as the case may be;

(c) “military training” includes basic training in physical fitness, drill, discipline, self-defense, first aid and knowledge of the military heritage and values of the country;

(d) “prescribed” means prescribed by rules made under this Act; and

(e) “student” means any person enrolled in an educational institution.

Compulsory
Military
Training to
students.

3. (1) The appropriate Government shall include compulsory military training in curriculum for students from classes ninth to twelfth and in undergraduate level.

(2) The military training referred to in sub-section (1) shall be conducted for a minimum of two hours per week by the educational institutes.

(3) Every educational institution shall establish a Military Training Coordination Committee (MTCC) to manage and coordinate the military training activities in such manner as may be prescribed.

(4) The Military Training Coordination Committee (MTCC) established under sub-section (3) shall submit bi-annual reports on the progress and effectiveness of the military training program to the appropriate Government in such manner as may be prescribed.

Curriculum
and Training
Modules for
the Military
training to
the students.

4. (1) The Central Government shall, in consultation with the Union Ministry of Defence and the Ministry of Education, prescribe the curriculum and training modules for the military training to the students.

(2) The curriculum and training module for military training to the students under sub-section (1) shall include,—

(a) physical fitness exercises;

(b) drill and ceremonial parades;

(c) basic self-defense techniques;

(d) first aid and emergency response training;

(e) awareness of national security and defense mechanisms; and

(f) education on military heritage and values of the country.

Training
Instructors.

5. (1) The appropriate Government shall, in consultation with the Union Ministry of Defence, appoint instructors for imparting military training to students in such manner as may be prescribed.

(2) The Instructors appointed under sub-section (1) may be retired military personnel, members of the National Cadet Corps (NCC) or such other individuals as deemed suitable by the appropriate Government.

Monitoring
and
Evaluation.

6. (1) The appropriate Government shall, in consultation with the Union Ministry of Defence, establish a monitoring and evaluation mechanism to assess the impact of the military training program.

(2) The monitoring of evaluation mechanism established under sub-section (1) shall include periodic reviews and audit of the military training program to ensure its quality and effectiveness in such manner as may be prescribed.

7. The Central Government shall provide requisite funds including infrastructure and resources necessary for carrying out purposes of this Act.

Central Government to provide funds.

8. The appropriate Government shall ensure that every educational institution complies with the provisions of this Act.

Compliance.

9. (1) If any educational institution fails to comply with the provisions of this Act, it shall be liable to such penalties as may be prescribed.

Penalty.

(2) The penalties referred to in sub-section (1) may include fines, reduction in grants, or such other actions as may be deemed appropriate by the appropriate Government.

10. (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order, published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act as may appear to be necessary for removing the difficulty:

Power to remove difficulties.

Provided that no order shall be made under this section after the expiry of two years from the commencement of this Act.

(2) Every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament.

11. (1) The Central Government may, by notification in the Gazette of India, make rules and regulations for carrying out the purpose of this Act.

Power to make rules.

(2) Every rule and regulation made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule and regulation or both the Houses agree that the rule and regulation should not be made, the rule and regulation shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule and regulation.

STATEMENT OF OBJECTS AND REASONS

The Bill seeks to introduce compulsory military training in schools and other educational institutions to foster discipline, physical fitness, national unity, and a sense of preparedness among the youth. This initiative aims to imbue students with essential life skills and a deeper understanding of national security and defense mechanisms. Through structured military training, it is sought to create a disciplined, aware, and resilient generation ready to contribute positively to the nation's progress and security.

Compulsory military training in schools and other educational institutions in India could be advocated for several reasons, but it is also important to consider the potential drawbacks and the complexity of implementation.

Military training instills a sense of discipline, responsibility, and respect for authority, which can positively influence students' personal and academic lives and regular physical training can improve students' health, fitness levels, and overall well-being. It can also help combat the growing issue of sedentary lifestyles and obesity.

Military training can foster a sense of patriotism and national pride. Understanding the sacrifices made by armed forces can enhance students' respect for their country and its values with Students can acquire various skills such as leadership, teamwork, survival skills, and crisis management, which are valuable in both personal and professional contexts.

Military training can prepare students to respond effectively in emergency situations, such as natural disasters, by equipping them with basic first aid and survival skills and exposure to military training can open up career opportunities in the defense sector and related fields. It can also help students make informed decisions about pursuing a career in the armed forces. Shared experiences in training can build camaraderie and break down social barriers among students from diverse backgrounds, promoting social cohesion and mutual respect.

Hence this Bill.

NEW DELHI;
July 8, 2024.

SHRIRANG APPA BARNE

FINANCIAL MEMORANDUM

Clause 5 of the Bill provides that the appropriate Government shall appoint instructors for imparting military training to students. Clause 6 provides that the appropriate Government shall establish a monitoring and evaluation mechanism to assess the impact of the military training program. Clause 7 provides that the Central Government shall provide requisite funds including infrastructure and resources necessary for carrying out purposes of this Act. The Bill, therefore, if enacted will involve expenditure out of the Consolidated Fund of India. It is estimated that a recurring expenditure of rupees five thousand crore is likely to be involved.

A non-recurring expenditure of rupees two thousand crore is likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 11 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of details only the delegation of legislative power is of a normal character.

Bill No. 87 of 2024

A Bill to provide for the visual representation of income tax collected from the taxpayers of the country in an accessible and transparent manner and for matters connected therewith.

Be it enacted by Parliament in the Seventy-fifth Year of the Republic of India as follows:—

1. (1) This Act may be called the Visual Representation of Income Tax Collections Act, 2024.

Short title,
extent and
commencement.

(2) It extends to the whole of India.

(3) It shall come into force on such date, as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) “Financial Year” means the year starting from April 1st and ending on March 31st of the subsequent year;

(b) “income tax “ means the tax as defined under sub-section (43) of section 3 of the Income Tax Act, 1961;

43 of 1961

(c) “prescribed” means prescribed by rules made under this Act;

(d) “taxpayer” means an assessee as defined under sub-section (7) under the Income Tax Act, 1961; and

(e) “visual representation” means graphical representation in the form of charts, graphs and other visual aids.

Central
Government
to Provide
Visual
Representation
of Income
Tax Collected.

3. (1) The Central Government shall publish a visual representation of the income tax collected for each financial year in such manner as may be prescribed.

(2) The visual representation under sub-section (1) shall include, but not be limited to;—

(a) total income tax collected in each financial year;

(b) breakdowns by various tax brackets;

(c) breakdowns by different types of taxpayers including individuals and companies;

(d) breakdowns by geographical regions.

(3) The visual representation under sub-section (1) shall be prepared in a user-friendly format including, but not be limited to, pie charts, bar graphs, line charts and infographics.

Accessibility
and
Transparency
of the Income
Tax Collected.

4. (1) The visual representation of income tax shall be published on the official website of the Income Tax Department in such manner as may be prescribed.

(2) The information under sub-section (1) shall be updated annually and within six months of the end of each financial year.

(3) The information under sub-section (1) shall be incorporated in the annual report of the Income Tax Department.

Report to the
Parliament.

5. The Central Government shall cause to be laid before each House of Parliament an annual report containing the visual representation of income tax collected, analysis of the data and recommendations for improving transparency and taxpayer education in such manner as may be prescribed.

Penalty for
Non-
compliance.

6. Any failure by the officials of the Income Tax Department to comply with the provisions of this Act shall be reported to the Central Vigilance Commission which may take actions as it deem fit against the official as may be prescribed.

Central
Government
to provide
funds.

7. The Central Government shall provide requisite funds including infrastructure and resources necessary for carrying out purposes of this Act.

Power to
remove
difficulties.

8. (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order, published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act as may appear to be necessary for removing the difficulty:

Provided that no order shall be made under this section after the expiry of two years from the commencement of this Act.

(2) Every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament.

9. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act. Power to make rules.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

Transparency and accountability in the collection and utilization of income tax in India is required to be done. By providing a visual representation of collected income tax, the proposed Bill aims to make tax data more accessible and understandable to the general public, thus fostering greater trust in the tax system. Furthermore, it seeks to educate taxpayers and encourage a more informed and engaged citizenry.

In recent years, transparency and accountability have become crucial elements in governance, particularly concerning the collection and utilization of public funds. This Bill addresses the need for greater clarity in how income taxes are collected and spent by the government. Transparency is pivotal in ensuring that taxpayers know exactly where their contributions are going and how they are being used to benefit society. By mandating the creation of a visual representation of income tax data, the Bill aims to demystify the tax system and make information more readily available to all citizens.

The visual representation aspect of this Bill is a significant step forward. Numbers and statistics, while informative, can often be overwhelming or incomprehensible to the average person. By translating these figures into easily digestible charts, graphs, and infographics, the government can convey complex information in a more straightforward and engaging manner. This approach not only aids in understanding but also highlights key areas where tax revenue is being utilized, such as healthcare, education, infrastructure, and defense. When taxpayers see a clear and direct correlation between their contributions and the improvements in their community or country, it fosters a sense of ownership and responsibility towards the nation's development.

One of the primary goals of this Bill is to build and sustain trust between the government and its citizens. Taxation is often seen as a burden, and the lack of visible impact can lead to skepticism and reluctance to comply. By implementing transparent measures and providing clear, visual insights into the collection and spending of income tax, the government can demonstrate its commitment to integrity and responsible governance. This, in turn, can lead to higher compliance rates and a more robust tax base, as citizens are more likely to contribute when they trust that their money is being used effectively and ethically.

Beyond transparency, this Bill places a strong emphasis on education. It recognizes that an informed taxpayer is a crucial asset to the nation. By making tax data accessible and understandable, the Bill aims to educate citizens about the importance of taxes in Nation building. Educational campaigns and resources, alongside visual data representations, can help demystify the tax process, elucidate the various facets of income tax, and highlight the significance of timely and accurate tax payments. Such education can empower citizens, making them more knowledgeable about their fiscal responsibilities and the impact of their contributions on national development.

An informed citizenry is more likely to be engaged and participative in the democratic process. By providing clear, visual tax data and educational resources, this Bill encourages citizens to take a more active role in civic life. When people understand how their taxes are collected and used, they are better equipped to hold their government accountable, advocate for necessary changes, and participate in policy discussions. This engagement can lead to more responsive governance and policies that better reflect the needs and desires of the populace.

For the successful implementation of this Bill, several key components must be in place. Firstly, there must be a robust system for collecting and processing tax data accurately and efficiently. This system should be integrated with technological tools that can generate visual representations of the data in real time. Secondly, a comprehensive public awareness campaign should be launched to inform citizens about the availability of these new resources and how to access and interpret them. Thirdly, an oversight committee should be established to ensure that the data presented is accurate, unbiased, and regularly updated. In conclusion, this Bill represents a significant advancement in promoting transparency and accountability

in the collection and utilization of income tax in India. By providing a visual representation of tax data, it aims to make information more accessible and understandable, thereby fostering greater trust in the tax system. Furthermore, by educating taxpayers and encouraging a more informed and engaged citizenry, the Bill supports the development of a more robust, participatory democracy. Ultimately, the successful implementation of this Bill has the potential to transform the relationship between the Government and its citizens, leading to more effective governance and a stronger, more united nation.

Hence this Bill.

NEW DELHI;
July 8, 2024.

SHRIRANG APPA BARNE

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the Central Government to publish visual representation of the income tax collected in each financial year. Clause 4 provides for the Central Government to publish on the official website of the Income Tax Department of the visual representation of income tax collected. Clause 7 provides for the Central Government to provide requisite funds for carrying out purposes of this Act. The Bill, therefore, if enacted will involve expenditure out of the Consolidated Fund of India. It is estimated that an annual recurring expenditure of about rupees two hundred crore is likely to be involved.

A non-recurring expenditure of about rupees one hundred crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 9 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of details only the delegation of legislative power is of a normal character.

Bill No. 68 of 2024

A Bill to ensure uniformity and standardization in the manufacturing, distribution, and pricing of glucotest strips across India with a view to improve diabetes management and ensure affordability of glucotest strips for all and for matters connected therewith.

WHEREAS diabetes is a chronic condition affecting a significant portion of the population in India;

AND WHEREAS regular monitoring of blood glucose levels is essential for effective diabetes management;

AND WHEREAS glucotest strips are a crucial component in the monitoring process;

AND WHEREAS there is a need to ensure uniformity, affordability, and accessibility of glucotest strips for all individuals,

Be it enacted by Parliament in the Seventy-fifth Year of the Republic of India as follows:—

Short title,
extent and
commencement.

1. (1) This Act may be called the Glucotest Strips (Regulation and Price Control) Act, 2024.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) “distributor” means any company engaged in the distribution of glucotest strips;

(b) “glucotest strip” means a strip used in a glucometer to measure blood glucose level in the human body;

(c) “manufacturer” means any company engaged in the production of glucotest strips; and

(d) “prescribed” means prescribed by rules made under this Act.

Uniform
Standards for
Glucotest
Strips.

3. (1) The Central Government shall, within six months of the commencement of this Act, prescribed uniform standards for the manufacturing and quality of glucotest strips in the country.

(2) The standards under sub-section (1) shall include specifications for accuracy, reliability and safety of the glucotest strips in such manner as may be prescribed.

Licensing and
Compliance.

4. (1) No person shall manufacture or import glucotest strips without a valid license issued by the authority prescribed in this behalf by the Central Government.

(2) The authority prescribed under sub-section (1) shall ensure compliance with the standards set forth under section 3.

(3) The Central Government shall conduct regular inspection and audits of the manufacturers and distributors to ensure compliance of the provisions of this Act.

Regulation of
Prices.

5. (1) The Central Government shall, by notification in the Official Gazette, establish a Committee to regulate and monitor the prices of glucotest strips in the country in such manner as may be prescribed.

(2) The composition of and other terms and conditions of the Committee shall be such as may be prescribed.

(3) The Committee shall determine the price of glucotest strips and ensure that the prices are fair, affordable and uniform across the country in such manner as may be prescribed.

Restraint on
Sale of
glucotest
strips at
prices
exceeding
MRP.

6. No manufacturer and distributor shall sell glucotest strips at prices exceeding the maximum retail price determined by the Committee.

Subsidies and
Support for
Low-Income
Groups.

7. (1) The Central Government shall introduce schemes to subsidize the cost of glucotest strips for low-income groups in the country in such manner as may be prescribed.

(2) The public healthcare facilities including hospitals and clinics shall provide glucotest strips at subsidized rates or free of cost to the persons living below poverty line as may be determined by the Central Government, from time to time.

8. Any person who manufactures, distributes or sell glucotest strips in contravention of the provisions of this Act shall be liable to a fine which may extend to five lakh rupees and in case of repeated offence, the person shall be liable to imprisonment for a term which may extend to one year and with fine which may extend to fifteen lakh rupees.

Penalties.

9. Where an offence under this Act has been committed by a company, every person who, at the time the offence was committed, was in charge of, and was responsible to, the company for the conduct of the business shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

Offence by Companies.

10. The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide adequate funds for the implementation of the provisions of the Act.

Central Government to provide funds.

11. (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order, published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act as may appear to be necessary for removing the difficulty:

Power to Remove difficulties.

Provided that no order shall be made under this section after the expiry of two years from the commencement of this Act.

(2) Every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament.

12. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the provisions of this Act.

Power to make rules.

(2) Every rule made under this section shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions and if, before the expiry of the sessions immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule of both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

The price of glucose test strips in India exhibits significant variation due to multiple factors such as brand, quality, availability, distribution channels, and regional economic conditions. Typically, the cost of glucose test strips ranges from ₹ 300 to ₹ 1,500 for a pack of 50 strips, but this can fluctuate based on several key determinants.

Firstly, brand reputation plays a crucial role in pricing. Established brands like Accu-Chek, OneTouch, and Dr. Morepen generally command higher prices due to their perceived reliability and widespread recognition. These brands often invest heavily in research and development, ensuring accuracy and consistency in their products, which justifies the premium pricing. Conversely, lesser-known or generic brands offer more affordable options, though they may lack the same level of trust and reliability among consumers.

Secondly, the quality and features of the test strips impact their cost. Strips that offer advanced features such as faster reading times, smaller blood sample requirements, and compatibility with mobile apps or data management systems tend to be priced higher. These features cater to users looking for convenience and more integrated health management solutions.

Availability and distribution channels also influence prices. In urban areas with numerous pharmacies and healthcare providers, competition can drive prices down. However, in rural or remote areas where access to medical supplies is limited, prices might be higher due to logistical challenges and reduced competition. Online marketplaces like Amazon and Flipkart often offer competitive pricing and discounts, potentially lower than brick-and-mortar stores, due to reduced overhead costs and bulk purchasing advantages.

Regional economic conditions and government policies further affect pricing. States with better healthcare infrastructure and higher purchasing power may see lower prices due to economies of scale and better supply chain management. Additionally, government initiatives to make healthcare more affordable, such as subsidies or price controls on essential medical supplies, can also help in stabilizing or reducing the cost of glucose test strips.

Therefore, this Bill aims to address the disparities in the availability and pricing of glucotest strips across India. By establishing uniform standards, regulating prices, and providing subsidies to low-income groups, the Bill seeks to make diabetes management more accessible and affordable. The increasing prevalence of diabetes necessitates such measures to ensure the well-being of the affected population.

Hence, this Bill.

NEW DELHI;
July 8, 2024.

SHRIRANG APPA BARNE

FINANCIAL MEMORANDUM

Clause 5 of the Bill provides for the establishment of a Committee to regulate and monitor the prices of glucotest strips in the country. Clause 10 of the Bill provides for the Central Government to provide necessary funds for carrying out the purpose of this Act. The Bill, therefore, if enacted and brought into operation will involve expenditure from the Consolidated Fund of India. It is estimated that a sum of rupees two thousand crore, may be involved as recurring expenditure per annum.

Non recurring expenditure to the tune of rupees two thousand crore may also involve from the Consolidated Fund of India.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 12 of the Bill empowers the Central Government to make rules for carrying out the purposes of this Bill. As the rules will relate to matters of details only, the delegation of legislative power is of a normal character.

Bill No. 91 of 2024

A Bill further to amend the Mahatma Gandhi National Rural Employment Guarantee Act, 2005.

Be it enacted by the Parliament in the Seventy-fifth Year of the Republic of India as follows:—

Short title and
commencement.

1. (1) This Act may be called the Mahatma Gandhi National Rural Employment Guarantee (Amendment) Act, 2024.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

- 42 of 2005. **2.** In section 3 of the Mahatma Gandhi National Rural Employment Guarantee Act, 2005 (hereinafter referred to as the principal Act),—
- Amendment
of section 3.
- (a) in sub-section (1), for the words “one hundred days”, the words “two hundred days” shall be substituted; and
- (b) for sub-section (2), the following sub-section shall be substituted, namely:—
- “(2) Every person who has done the work given to him shall be entitled to receive wages at the rate of rupees eight hundred or at the wage rate for each day of work, whichever is higher.”.
- 36 of 2020. **3.** In the principal Act, in Schedule II, after paragraph 35, the following paragraphs shall be inserted, namely:—
- Amendment
of Schedule II.
- “36. Every registered person under the Scheme shall be entitled to the benefit of Employees’ State Insurance Fund constituted under the Code on Social Security, 2020.”
37. It shall be the duty of the Gram Panchayat to register all registered persons after making such enquiry as it deems fit and to comply all the procedure formalities to issue Employees’ State Insurance Scheme card containing such details of members of the household affixing their photographs for extending the benefit of Employees’ State Insurance Scheme as may be prescribed by the State Government.”.

STATEMENT OF OBJECTS AND REASONS

The Mahatma Gandhi National Rural Employment Guarantee Act, 2005 is a social security legislation that provides employment for rural population and ensuring minimum number of employment days.

Keeping in view the changing needs of the society, it is essential to amend the law for providing more working days, high wages and health amenities to the registered persons under the Act. The present number of days of employment wages are very less and the registered persons are not able to find out their primary needs depending on the employment and salary as per the scheme formulated under the parent Act. The social security welfare measures provided to the workers are also less. It is highly necessary to increase the number of working days and wages. Moreover, providing health protection to the registered persons under Employees' State Insurance Fund constituted under the Code on Social Security, 2020 is also inevitable.

The Bill, therefore, seeks to amend the Mahatma Gandhi National Rural Employment Guarantee Act, 2005 with a view to—

- (a) increase the maximum number of days of employment to the registered persons from hundred days to two hundred days;
- (b) increase the wages per day to a minimum of rupees eight hundred; and
- (c) extend the benefit of Employees' State Insurance Fund constituted under the Code on Social Security, 2020 to all the registered persons under the Act.

Hence this Bill.

NEW DELHI;
July 8, 2024.

N.K. PREMACHANDRAN

FINANCIAL MEMORANDUM

Clause 2 of the Bill provides for increasing the number of days of employment of the registered persons from one hundred days to two hundred days under the Act. It also provides for ensuring minimum wage of registered persons to rupees eight hundred for each day of work. Clause 3 provides for extending the benefit of Employees' State Insurance Fund constituted under the Code on Social Security, 2020 to all the registered persons under the Act. The Bill, therefore, if enacted would involve expenditure from the Consolidated Fund of India. It is estimated that a recurring expenditure of about rupees ten lakh crore per annum is likely to be involved from the Consolidated Fund of India.

No non-recurring expenditure is likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 3 of the Bill *vide* proposed paragraph 37 empowers the State Government to prescribe rules for ensuring Employees' State Insurance Scheme benefits to the registered persons. As the rules will relate to matters of detail only, the delegation of legislative powers is of a normal character.

Bill No. 64 of 2024

A Bill to provide for regularization of the services of ASHA workers and conferring the status of permanent employee of the Government and for matters connected therewith.

Be it enacted by Parliament in the Seventy-fifth Year of the Republic of India as follows :—

Short title,
extent and
commencement.

1. (1) This Act may be called the ASHA Workers (Regularisation of Service and Other Benefits) Act, 2024.

(2) It extends to the Union territories only.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) “ASHA worker” means accredited social health activist working as community health worker instituted by the Government of India, Ministry of Health and Family Welfare as a part of National Health Mission; and

(b) “prescribed” means prescribed by rules made under this Act.

3. (1) The Central Government shall, by notification in the Official Gazette, take steps to regularize the services of ASHA workers and confer the status of Group “C” employees of the Government on such ASHA workers who are serving in National Health Mission immediately before the commencement of this Act.

Regularization of services of ASHA workers.

(2) Every ASHA worker whose service has been regularized shall be entitled to such tenure, terms and conditions of service including remuneration, leave, provident fund, retirement and other terminal benefits as are available to Group “C” employees of the Central Government.

4. The Central Government shall take steps to provide accommodation to all ASHA workers within the vicinity of their workplace.

Accommodation to ASHA workers.

5. If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act as may appear to be necessary for removing the difficulty:

Power to remove difficulty.

Provided that no order shall be made under this section after expiry of two years from the date of commencement of this Act.

6. The provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force.

Provisions of the Act to be in addition to other laws.

7. (1) The Central Government may make rules for carrying out the purposes of this Act.

Power to make rules.

(2) Every rule made under this section shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive session aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

ASHA workers the accredited social health activists are working under the Ministry of Health and Family Welfare as part of National Health Mission contributing remarkable service in Health sector. The ASHA workers working as link between Health Department and Common man so as to create awareness and promote health activities in the country. The contribution of ASHA workers is helpful to improve the health standard of the country. The ASHA workers are good promoters of various schemes of the Central Government and State Government and ensuring the health of common man. The duties and service rendered by the ASHA workers are very important for the protection of the health. The ASHA workers do not have job security and the honorarium given to them are not sufficient for meet their immediate requirement. This may adversely affect the working of the integrated child development scheme.

The ASHA workers are one of the main link between Government and general public. They are helping the Government for the effective implementation of health programmes. Considering the importance of their duties and service, it is highly necessary to protect their service and welfare.

Hence this Bill.

NEW DELHI;
July 8, 2024.

N. K. PREMACHANDRAN

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides the regularization of service of ASHA workers and confer the status, wages and welfare not less than the status, wages and welfare of Group “C” employees of the Central Government. Clause 4 provides for provision of accommodation to ASHA workers. The Bill, therefore, if enacted would involve expenditure from the Consolidated Fund of India. It is estimated that a recurring expenditure of about rupees three thousand crore per annum is likely to be incurred from the Consolidated Fund of India.

A non-recurring expenditure of about rupees five thousand crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 7 of the Bill empowers the Central Government to make rules for carrying out the purpose of the Bill. As the rules will relate to matters of detail only, the delegation of legislative powers is of a normal character.

Bill No. 72 of 2024

A Bill to provide for regularisation of the services of Anganwadi Workers and conferring the status of not less than those of Group 'C' employees of the Central Government on such Anganwadi Workers.

Be it enacted by Parliament in the Seventy-fifth Year of the Republic of India as follows:—

1. (1) This Act may be called the Anganwadi Workers (Regularisation of Service and Welfare) Act, 2024.

Short title,
extent and
commencement.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) “anganwadi” means an anganwadi centre set up by the Central Government or State Government or Union territory Administrator to implement the Integrated Child Development Scheme;

(b) “anganwadi worker” means any person working in an anganwadi on regular or contract or daily wages basis; and

(c) “prescribed” means prescribed by rules made under this Act.

Regularisation
of services of
anganwadi
workers.

3. (1) The Central Government shall, by notification in the Official Gazette, take all such steps as may be necessary to regularize the services of anganwadi workers and confer the status of not less than those of Group ‘C’ employees of the Central Government on all such anganwadi workers.

(2) The Central Government shall also provide such wages and welfare facilities as are available to, or not less than, Group ‘C’ employees of the Central Government.

Savings.

4. The provision of this Act shall be in addition to, and not in derogation of the provisions of any other law for the time being in force.

Power to
make rules.

5. (1) The Central Government shall, by notification in the Official Gazette, make rules for carrying out all purposes of this Act ensuring the service status and welfare of the Anganwadi workers.

(2) Every rule made under this section shall be laid, as soon as may be after it is made before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions aforesaid both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rules shall thereafter have effect only in such modified form or be of no effect, as the case may be; so however, that any such modification or annulment shall be without prejudice to the validity or anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

Anganwadi Centres were started in this country by the Central Government and State Governments for implementation of the Integrated Child Development Services Scheme. It includes the comprehensive development of health awareness among women and child welfare. The contribution of Anganwadi Centres is remarkable and has become an integrated and essential part of life in rural areas. The Anganwadi workers are good promoters of various schemes of the Central Government and State Government and ensuring the health and welfare of child and women. The duties and service rendered by the Anganwadi workers are very important for the protection of the health and welfare of women and children. The Anganwadi workers do not have job security and the honorarium given to them are not sufficient to meet their immediate basic requirements. This may adversely affect the working of the Integrated Child Development Scheme.

The Anganwadi workers are one of the main links between Government and general public. They are helping the Government for the effective implementation of women and children health and welfare scheme. Considering the importance of their duties and service it is highly necessary to protect their service and welfare.

Hence this Bill.

NEW DELHI;
July 8, 2024.

N. K. PREMACHANDRAN

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for regularisation of the services of anganwadi workers and confer the status not less than those of Group 'C' employees of the Central Government on all such anganwadi workers. It also provides for such wages and welfare measures as are available to or not less than Group 'C' employees of the Central Government to anganwadi workers. The Bill, therefore, if enacted would involve expenditure from the consolidated Fund of India. A recurring expenditure of about rupees three thousand crore is likely to be involved per annum from the Consolidated Fund of India.

A non-recurring expenditure of about rupees three thousand crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 5 of the Bill empowers the Central Government to make rules for carrying out the purpose of the Bill. As the rules will relate to matters of detail only, the delegation of legislative powers is of a normal character.

Bill No. 100 of 2024

A Bill to provide for setting up of a Board for speedy development of backward areas and for matters connected therewith or incidental thereto.

Be it enacted by Parliament in the Seventy-fifth Year of the Republic of India as follows:—

Short title,
extent and
commencement.

1. (1) This Act may be called the Backward Areas Development Board Act, 2024.

(2) It extends to the whole of India.

(3) It shall come into force on such date, as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) “Board” means the Backward Areas Development Board constituted under section 3; and

(b) “prescribed” means prescribed by rules made under this Act.

3. (1) The Central Government, to be known as Backward Area Development Board, by notification in the official gazette, establish a Board for the speedy development of all backward areas in the country.

Establishment
of Backward
Areas
Development
Board.

(2) The Board shall consist of,—

- (a) a Chairman who shall be renowned economist of the country;
- (b) not more than five members representing industry, agriculture, infrastructure, banking, planning, information technology; and
- (c) one representative from each State where backward areas exist.

to be appointed by the Central Government in such manner as may be prescribed.

(3) The terms and conditions of service of the Chairman and other members shall be such as may be prescribed.

Functions of
the Board.

4. (1) The Board shall identify all backward areas of the country.

(2) Till such time the Board identifies the backward regions in the country, the following areas shall be deemed to be backward areas in the country:—

- (i) Ramanathapuram, Sivaganga, Tirunelveli, Virudhunagar, Madurai, Dindigul, Theni district in the State of Tamil Nadu;
- (ii) Rayalaseema in Andhra Pradesh;
- (iii) Andaman and Nicobar Islands;
- (iv) Lakshadweep Islands;
- (v) Desert district in Rajasthan and Gujarat;
- (vi) Hilly district of Himachal Pradesh and Uttarakhand; and
- (vii) North Eastern States.

Criterion for
Backwardness.

5. (1) The Board shall consider the following aspects to determine of backwardness of any areas,—

- (i) the geographical condition;
- (ii) the climatic condition;
- (iii) existing industries;
- (iv) available employment opportunities;
- (v) agriculture including horticulture, sericulture, floriculture, aquaculture, breeding cattle farming, fishing, poultry farming, fruitculture, vegetable farming;
- (vi) existing infrastructure facilities;
- (vii) available educational facilities;
- (viii) available medical facilities; and
- (ix) any such other aspect the Board may deem necessary for identifying region as a backward region.

(2) The Board shall study the reasons for backwardness in each area and recommend an Action Plan for speedy development of the areas to the Central Government and to the respective State Governments.

6. The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide adequate funds to the Board for carrying out the purpose of this Act.

Central
Government
to provide
funds.

Annual
Report.

7. The Central Government shall place before each House of Parliament an Annual Report containing the recommendations of the Board and Action taken thereon.

Power to
make rules.

8. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

Ever since India attained independence in 1947 the country has progressed in many fields. There has been considerable development and growth in industry, infrastructure, employment opportunities, medical facilities and education facilities and social welfare schemes. The standard of living of population has seen a positive growth in last 75 years. The poverty level has been contained and the literacy level has increased to a great level. The export from the country has been increasing rapidly over the years. The Make in India concept has been successful and our imports of various products has seen a significant decline in the recent years.

However it may be seen that the growth is restricted mainly to metropolitan cities, a few select States and Union Territories. There is considerable regional imbalance in the country. There are many districts in the country which do not even have a single industry. People of these areas have to migrate to other places in search of their livelihood, medical and educational facilities, etc. Therefore it is necessary that an Action Plan be carried out for the speedy development of these backward regions.

It is accordingly proposed to set up a Board which would recommend the steps to be taken by the Government for the development of backward areas.

Hence this Bill.

NEW DELHI;
July 8, 2024.

K. NAVASKANI

FINANCIAL MEMORANDUM

Clause 3 of the Bill seeks to make provision for setting up of a Board for development of backward areas in the country. The Bill further seeks to provide for appointment of Chairman and members of the Board. Clause 6 provides for the Central Government to provide adequate fund. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is estimated that a recurring expenditure of about rupees one lakh crore per annum would be involved from the Consolidated Fund of India.

A non-recurring expenditure of about rupees three lakh crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 8 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

Bill No. 95 of 2024

A Bill to provide for ban on entrance examinations to all professional courses in the country and for matters connected therewith or incidental thereto.

Be it enacted by Parliament in the Seventy-fifth Year of the Republic of India as follows:—

Short title and
commencement.

1. (1) This Act may be called the Ban on Entrance Examination in Professional Courses Act, 2024.

(2) It shall come into force on such date, as the Central Government may, by notification in the Official Gazette, appoint.

2. Notwithstanding anything contained in any order, judgement or direction of any Court or any other law for the time being in force or any rule, notification or order issued in this behalf, on and from the academic year 2024-25, no entrance examination to the professional courses including medical and engineers shall be conducted by the Central Government or its agencies:

Ban on conducting Entrance Examination for Professional Courses.

Provided that if any entrance examination for the academic session 2024-25 for any professional courses has already been held, such examination shall be deemed to have been cancelled and declared null and void.

3. The Central Government shall ensure that admission to professional courses shall be made in accordance with the percentage of marks obtained in the courses or exams which is a prerequisite for the admission to the professional courses.

Admission to professional courses on the basis of percentage of marks.

4. (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act, as appear to it to be necessary or expedient for removing the difficulty:

Power to remove difficulties.

Provided that no such order shall be made after the expiry of the period of two years from the date of the commencement of this Act.

(2) Every order made under this section shall, as soon as may be, after it is made, be laid before each House of Parliament.

STATEMENT OF OBJECTS AND REASONS

In the recent years, entrance examination are held for admission to various professional courses including medical and engineering, etc. Though a student, scores very high marks in the 12th examination he shall be given admission only if he scores high percentage in the entrance examination. Though the student is intelligent, he will not be able to crack the entrance examination as the syllabus is different from what he studied in the school.

Moreover, he has to spend a great amount of money by way of taking admission in coaching institutes to pass the entrance examination. But the poor students especially from rural areas cannot afford such huge fees in coaching institutes. Therefore, their ambition of becoming a doctor or an engineer remains a dream.

There are many instances of students committing suicide due to failure in the entrance examination. Due to this intelligent students are discouraged to take these examinations. Besides in the current times, there has been an alleged irregularities in the entrance examination conducted by Nation Testing Agencies.

To avoid such instances, it is proposed to ban entrance examination to all professional courses to facilitate intelligent and poor students to have access to professional courses in the country.

Hence this Bill.

NEW DELHI;
July 8, 2024.

K. NAVASKANI

Bill No. 52 of 2024

A Bill to provide for welfare of Indian citizens employed outside the country and for matters connected therewith or incidental thereto.

Be it enacted by Parliament in the Seventy-fifth Year of the Republic of India as follows :—

1. (1) This Act may be called the Overseas Workers (Welfare) Act, 2024.

Short title
and
commencement.

(2) It shall come into force on such date, as the Central Government may, by notification in the Official Gazette, appoint.

2. In this Act, unless the context otherwise requires:—

Definitions.

(a) “Fund” means the Overseas Workers Welfare Fund constituted under section 7; and

(b) “overseas worker” means and includes any Indian citizen who is employed outside India by a person who is not an Indian citizen or any company or any enterprise or any vessel which is not registered in the territory of India but does not include Indian citizens working in the organs or agencies of the United Nations Organization (UNO).

(c) “prescribed” means prescribed by rules made under this Act.

Maintenance
of Register of
Overseas
workers.

3. The Central Government shall prepare and maintain a Register of all overseas workers containing names and such other particulars including the country in which they are employed, in such manner as may be prescribed.

Assessment
study.

4. The Central Government may, from time to time, undertake or cause to be undertaken, using agencies as it may consider necessary, studies in the countries where there are substantial number of overseas Indian workers with a view to assess the following in regard to overseas Indian workers:—

- (i) access to basic human rights;
- (ii) access to health facilities;
- (iii) access to legal remedies; and
- (iv) ability to live in a safe and secure manner.

Formulation
of welfare
schemes.

5. (1) The Central Government shall formulate and implement welfare schemes for overseas workers in such manner as may be prescribed.

(2) Without prejudice to the generality of the foregoing provision, such schemes shall also provide for,—

- (a) insurance and disability cover;
- (b) old age protection including pension to those who returned to India in their old age;
- (c) orientation and skill upgradation;
- (d) meeting expenditure on airlifting of mortal remains of deceased overseas Indians to India or for cremation/burial of such persons if the employer is unable or unwilling to do so and the family is unable to meet the cost;
- (e) welfare of persons who become victims of human trafficking;
- (f) emergency medical care to overseas Indians in need; and
- (g) such other provisions as the Central Government may consider necessary.

Obligations of
the Central
Government.

6. The Central Government shall—

(i) take such measures as it may deem necessary including entering into bilateral agreements to generate international co-operation to check human trafficking of Indian citizens; and

(ii) enter into social security agreements with other countries for ensuring protection and welfare of Indian citizens working overseas.

Overseas
Workers’
Welfare Fund.

7. (1) The Central Government shall by notification in the Official Gazette, constitute a Fund to be known as the Overseas Workers’ Welfare Fund.

(2) The Central Government shall, after due appropriation made by Parliament by law in this behalf, grant such sums of money to the Fund as the Central Government may think fit for carrying out the purposes of this Act.

Compulsory
registration of
recruiting
agencies.

8. It shall be mandatory for all persons or agencies involved in the recruitment or placement of Indian citizens for employment with foreign nationals or companies outside the country to get themselves registered with such authority, as may be designated by the Central Government for the purpose.

9. Whoever, in contravention of section 8 recruits any person for employment outside the country, shall be punished with simple imprisonment for a term which may extend to ten years and with fine which may extend to rupees ten lakh or with both.

Punishment.

10. The provisions of this Act and rules made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force.

Act to have overriding effect.

11. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the provisions of this Act.

Power to make rules.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

Around 50 Lakh Indians are overseas worker. More than ninety per cent. of this work force is in the Gulf countries. There has been a consistent and steady increase in the number of persons going abroad in search of employment. There are about five million Indians employed outside the country. Indian workers who migrate for work legally also face many problems like non-payment or delay in payment of wages, harsh working and inhuman living conditions, retention of passport by owners, cheating by intermediaries, incidents of physical abuse and sexual exploitation, etc. In most of the countries access to legal recourse is denied to such workers. Moreover, in some countries legal recourse is so expensive that in most cases employees are not able to afford such options. The Central Government is required to take care of those who contribute to Indian economy by sending their hard earned money to their family members in India.

Therefore, there is an urgent need for a legislation providing for the management and welfare of Indian citizens working abroad. The Bill, *inter-alia*, seeks to provide for:—

- (i) registration of all Indian citizens who migrate from the country in search of employment;
- (ii) entering into bilateral agreement with other government of other nations to safeguard the interest of Indian workers in those respective countries;
- (iii) compulsory registration of recruitment agencies for overseas employment;
- (iv) insurance and disability cover;
- (v) old age protection including pension to those who returned to India in their old age;
- (vi) orientation and skill upgradation;
- (vii) meeting expenditure on airlifting of mortal remains of deceased overseas Indians to India or for cremation/burial of such persons if the employer is unable or unwilling to do so and the family is unable to meet the cost;
- (viii) welfare of persons who become victims of human trafficking; and
- (ix) emergency medical care to overseas Indians in need and other welfare measures as are required to meet the needs of Indian workers abroad.

Hence this Bill.

NEW DELHI;
July 8, 2024.

K. NAVASKANI

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the maintenance of a register of overseas workers. Clause 4 provides for an assessment study in the countries where there are overseas Indian workers. Clause 5 provides for formulation and implementation of welfare schemes for welfare of overseas workers. Clause 7 provides for constitution of a Overseas Workers' Welfare Fund for welfare of overseas workers. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. At this stage, it is difficult to give an exact estimate of expenditure likely to be involved as the exact amount of expenditure likely to be involved will depend upon the number of schemes formulated by the Government. However, it is estimated that an annual recurring expenditure of about rupees two thousand crore is likely to be involved from the Consolidated Fund of India.

A non-recurring expenditure of rupees one thousand crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 11 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

Bill No. 105 of 2024

A Bill to enhance the quality of education in professional and technical courses by providing mandatory structured internships to the students, providing basic remuneration under the internship and establishing a national-level platform for internship application and for matters connected therewith.

Be it enacted by Parliament in the Seventy-fifth Year of the Republic of India as follows:—

1. (1) This Act may be called the Quality Education (Enhancing through Internship) Act, 2024.

Short title,
extent and
commencement.

(2) It extends to the whole of India.

(3) It shall come into force on such date, as the Central Government may, by notification in the official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) “appropriate Government” means in the case of a State, the Government of that State and in all other cases, the Central Government;

(b) “company” means any firm, organisation, or business entity legally registered under Indian law or any other company registered outside India but operating in India;

(c) “internship” means a period of work experience offered by a company for a limited period of time;

(d) “Portal” means the National Internship Portal established for managing internship applications and placements of the students enrolled in professional courses under section 6;

(e) “prescribed” means prescribed by rules made under this Act.

(f) “professional/technical courses” means the courses offered by recognized educational institutions that provide specialised training in fields such as engineering, medicine, law, management and such other disciplines; and

(g) “student” means a person enrolled in any under-graduate or post-graduate professional or technical course.

Responsibilities of companies to provide internship opportunities.

3. The appropriate Government shall ensure that every registered company shall offer internship opportunities to students enrolled in any professional or technical courses based on capabilities and to provide remuneration during the internship programme in the company.

Minimum Internship Remuneration.

4. Every company shall provide minimum internship remuneration to the students undergoing internship in the company to compensate for the cost of travel and food for internships lasting one month or more based on the cost of living index as may be prescribed.

Employment opportunity to the interns.

5. If a student undergoes internship for six months or more in the same company, he may request the company for the offer for employment and company may consider the request in good faith and based on the performance of the student and employment needs of the company.

Establishment of the National Internship Portal.

6. (1) The Central Government shall establish a National Internship Portal to facilitate internship applications and placements of the Students.

(2) It shall be the responsibility of the appropriate Government to update the data relating to student application and placement State wise and district wise in such manner as may be prescribed.

Portal Management and Functionality.

7. (1) The portal established under section 6 shall facilitate students to apply and select the companies statewide and districtwise where they intend to undertake their internship.

(2) The portal shall enable the students to have access to the available internship opportunities based on their preferences, qualifications and availability.

(3) The Companies offering internships shall register on the portal and provide details of available positions, duration, remuneration and such other relevant information as may be prescribed.

(4) The Companies shall update the list of employment opportunities at least once in three months.

Monitoring and Compliance.

8. (1) The Central Government shall, by notification in the official gazette, establish a monitoring mechanism to ensure compliance with the provisions of this Act in such manner as may be prescribed.

(2) The composition of and the funds of the monitory mechanism shall be such as may be prescribed.

(3) Any non-compliance by companies of the provisions of the Act shall attract penalties as may be prescribed.

9. The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide adequate funds for carrying out the purposes of this Act.

Central Government to provide funds.

10. (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order, published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act as may appear to be necessary for removing the difficulty:

Power to remove difficulties.

Provided that no order shall be made under this section after the expiry of two years from the commencement of this Act.

(2) Every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament.

11. The provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force regulating any of the matters dealt with in this Act.

Act not in derogation of other law.

12. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to make rules.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days, which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

Internships plays a crucial role in shaping the career of the students, particularly to those enrolled in professional and technical courses. The Internship not only helps the students to gain real exposure to the working environment but also helps to develop requisite skills for their future avenues. In the Indian perspective, the need is to enhance the quality of education in professional and technical courses by providing students with structured internship opportunities. By ensuring that companies offer internships based on their capacity and provide basic remuneration, students will gain practical experience and financial support. The proposed establishment of a National Internship Portal will streamline the application process, making it easier for students to find suitable internships and for companies to find qualified interns.

The Bill aims to bridge the gap between academic learning and professional practice, thereby improving employability and career readiness among students enrolled in professional and technical course.

Hence this Bill.

NEW DELHI;
July 8, 2024.

PRANITI SUSHIL KUMAR SHINDE

FINANCIAL MEMORANDUM

Clause 6 of the Bill provides that the Central Government shall establish a National Internship Portal to facilitate internship applications and placements of the Students. Clause 8 provides for establishment of a Monitoring mechanism by the Central Government. Clause 9 provides for the Central Government to provide adequate funds. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is estimated that a recurring expenditure of about rupees five hundred crore per annum is likely to be involved from the Consolidated Fund of India.

A non-recurring expenditure of about rupees fifty crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 12 of the Bill empowers the Central Government to make rules for carrying out the provisions of the Act. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

Bill No. 81 of 2024

A Bill to provide for the segregation and re-cycling of municipal solid waste, use of re-cyclable waste in waste-energy plants for generation of energy and transportation of non-recyclable waste into landfills and for matters connected therewith or incidental thereto.

Be it enacted by Parliament in the Seventy-fifth Year of the Republic of India as follows:—

1. (1) This Act may be called the Solid Waste Management Act, 2024.
- (2) It extends to the whole of India.
- (3) It shall come into force on such date, as the Central Government may, by notification in the Official Gazette, appoint.

Short title,
extent and
commencement.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) “appropriate Government” means in the case of a State, the Government of that State and in all other cases, the Central Government;

(b) “large manufacturing facility” means any manufacturing facility with an investment of more than rupees twenty crore;

(c) “municipal authority” means Municipal Corporation, Municipal Committee, Municipality, Nagar Palika, Nagar Nigam, Nagar Panchayat, Municipal Council including Notified Area Committee (NAC) or any other local body constituted under the relevant statutes and entrusted with the responsibility of management and handling of municipal solid wastes;

(d) “prescribed” means prescribed by rules made under this Act;

(e) “segregation” means separation of municipal solid wastes into organic, inorganic, bio-degradable, non-biodegradable, recyclable and non-recyclable waste and hazardous wastes;

(f) “waste-energy plants” means plants where solid waste is treated using different techniques to produce any form of energy; and

(g) “waste generating unit” means any entity, household or large manufacturing facility where waste is generated and which require waste disposal.

Duty of waste generating unit and large manufacturing facility.

3. (1) The appropriate Government shall ensure that every waste generating unit within its jurisdiction segregates waste before its disposal.

(2) In case of large manufacturing facility, the owner or the in-charge of the facility shall, as the case may be—

(a) ensure that the waste is segregated, re-used and re-cycled at source; and

(b) undertake transportation of re-cyclable waste to waste-energy plants and the non-recyclable and non-biodegradable waste to the notified landfills, as the case may be.

(3) The appropriate Government shall ensure that the waste generating units are liable to pay for the waste generated by them that is sent to the landfills on the basis of the weight of the waste in such manner as may be prescribed.

Duty of the municipal authority.

4. It shall be duty of the Municipal authority to—

(a) collect the segregated waste from the waste generating units;

(b) ensure that the segregated waste collected and transported is not mixed with any other waste or any material, to the extent that mixing would hamper its re-use, re-cycle, further treatment or its use in waste-energy plants;

(c) undertake treatment of organic waste through bio-degradation such as vermin composting, mechanical composting, by window method or any other suitable method as approved by the Central Pollution Control Board or the State Pollution Control Board, as the case may be; and

(d) transport the non-recyclable waste, non-biodegradable waste to the notified landfills.

Penalty.

5. Whoever violates the provisions of this Act shall be punished with imprisonment for a term which may extend up to three months and fine which may extend up to rupees twenty thousand.

6. The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide requisite funds to the State Governments for carrying out the purposes of this Act.

Central Government to provide requisite funds.

7. The provisions of this Act shall be in addition to and not in derogation of any other law, for the time being in force.

Act not in derogation of any other law.

8. (1) The Central Government in consultation with the State Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to make rules.

(2) Every rule made under this section shall be laid before each House of the Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

It is estimated that more than ten lakh tonnes of waste is generated in our country. The waste is largely composed of bio wastes, metals, plastics, paper, food, glass and presently majority of the waste is sent to the landfills with only a portion being used in waste-energy plants or recycled or reused. For this every municipal corporation should be provided with incinerators of different capacities depending upon the waste generated. This energy from waste can be used as an alternative to the depleting petroleum products and it would also keep the environment safe and clean. Waste is not a waste until it is wasted.

The Bill seeks to ensure that waste from landfills is segregated and recycled, reused as input to waste-energy projects. Non-recyclable wastes and hazardous wastes can be dumped in the notified landfills. Proper handling and disposal of municipal waste could result in generating employment and serve as an opportunity for entrepreneurs in the waste-energy sector. In various countries there are laws for proper disposal of wastes.

Hence this Bill.

NEW DELHI;
July 8, 2024.

T. SUMATHY (A) THAMIZHACHI THANGAPANDIAN

FINANCIAL MEMORANDUM

Clause 4 of the Bill provides for certain steps to be taken by the municipal authorities for collection of Segregated municipal Solid Waste, transportation of recyclable waste to waste-energy plants and non-recyclable waste to the notified landfills.

Clause 6 of the Bill provides that the Central Government shall provide requisite funds to State Governments to carry out the purposes of this Act. The Bill, if enacted, would involve expenditure from the Consolidated Fund of India. It is estimated that a sum of rupees one thousand crore would be involved as a recurring expenditure per annum.

A non-recurring expenditure of rupees one thousand crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 8 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail, the delegation of legislative power is of a normal character.

Bill No. 59 of 2024

A Bill to provide for special financial assistance to the State of Tamil Nadu for the purpose of sustainable and balanced development of growth-oriented infrastructure such as housing, drinking water, roads, sanitation, creation of grain and fodder banks, skill development, cloud seeding, contour bunding and welfare schemes for the women, children, senior citizens and people living below poverty line in the State and for encouraging traditional water conservation through lakes, ponds, wells, rainwater harvesting and afforestation and for matters connected therewith or incidental thereto.

Be it enacted by Parliament in the Seventy-fifth year of the Republic of India as follows:—

1. (1) This Act may be called the Special Financial Assistance to the State of Tamil Nadu Act, 2024.

Short title and
commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. There shall be paid such sums of moneys out of the Consolidated Fund of India, every year, as Parliament may by due appropriation provide, as special financial assistance to the State of Tamil Nadu to meet the costs of such schemes of development as may be undertaken by the Government of Tamil Nadu with the approval of Union Government for the purposes of—

- (i) improvement of drinking water facilities in the State;
- (ii) implementation of schemes aimed at improving the health and educational standards of girl child;
- (iii) implementation of welfare measures aimed at improving the condition of agricultural and migrant labourers;
- (iv) providing for measures aimed at lowering of infant mortality rate, improving the maternal health and promoting institutional delivery in the State;
- (v) providing employment to members of families living below poverty line and unemployed youth through skill development;
- (vi) providing water and sanitation facilities in rural and urban areas;
- (vii) creating good quality infrastructure of roads, highways, street lights, schools, colleges and transport;
- (viii) creating awareness amongst people about disaster preparedness plan and training them to deal with disasters;
- (ix) creation and maintenance of water conservation bodies such as check dams in the State of Tamil Nadu;
- (x) digging of open wells, ponds and desiltation of such bodies from time to time under the Mahatma Gandhi National Rural Employment Guarantee Act, 2005;
- (xi) encouraging and providing irrigation facilities to the farming sector and promotion of drip irrigation facility in these regions;
- (xii) capping the cultivation area of sugarcane crop and promotion of drought resilient crops;
- (xiii) promotion of rain water harvesting and watershed development to ensure replenishment of groundwater;
- (xiv) afforestation particularly on vacant or barren and waste land with the help of villagers and village panchayats including community afforestation;
- (xv) promotion of growing fodder and setting up fodder and foodgrain Banks at conspicuous places;
- (xvi) initiating welfare measures for improving the conditions of agricultural workers, senior citizens, women, children and poor people living in these regions;
- (xvii) establishing cold storages and warehouses for the farmers;
- (xviii) settling the debt of farmers;
- (xix) providing compensation and relief to farmers and agricultural labourers for any damage to crops caused due to rainfall deficit, pest attack, flood, hailstorm or any other natural calamity;
- (xx) encouraging and providing sustainable practices like organic farming coupled with modern irrigation facilities like drip irrigation, contour bunding and sprinklers to farmers;

(xxi) promotion of research and development through Krishi Vigyan Kendra in agriculture and drought management to ensure better and inexpensive inputs like seeds, fertilizers and pesticides;

(xxii) promotion of research and development in sectors like livestock and poultry;

(xxiii) promoting food processing industries based on local agricultural products;

(xxiv) implementation of social awareness campaigns through non-Governmental Organisation and Self-Help Groups relating to farmer credit, water literacy and drought management through change in cropping pattern;

(xxv) promotion and implementation of cloud seeding through silver iodide in the State; and

(xxvi) such other provisions as the Government of the State of Tamil Nadu may deem necessary for carrying out the purposes of this Act.

3. If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order, make such provisions not inconsistent with the provisions of this Act which appears to it to be necessary or expedient for removing the difficulty: Power to remove difficulties.

Provided that no such order shall be made after the expiry of two years from the date of commencement of this Act.

4. The provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force dealing with the subject matter of this Act. Act not in derogation of other laws.

STATEMENT OF OBJECTS AND REASONS

The State of Tamil Nadu needs assistance from the Central Government for the successful completion of various schemes being undertaken at present with an aim to improve the standard of life of the people, improve the level of education and health condition of the girls, to encourage the girl students of families living below poverty line to pursue higher education and also to provide incentives for people living below poverty line to pursue higher education. The condition of farmers and agricultural labourers in the State, their welfare and protection are of paramount importance. Central assistance to the State is also needed for the holistic development and further reduction in the maternal and infant mortality rates.

Recurring droughts have made the State farmers to seek support from the Government. The situation is where droughts have been a frequent occurrence during the past fifty years has to be stopped through massive water conservation with check dams and other structures to arrest rain water run off.

The traditional methods of water conservation through digging of open wells, ponds, lakes and such other bodies and time to time desiltation of such water bodies needs to be undertaken. Rain water harvesting has to be promoted as a mass movement in this region. Afforestation on a large scale particularly on barren lands and wastelands has to be promoted in these regions involving villagers and village panchayats by providing incentives. This can certainly arrest the desertification in these regions. Unfortunately certain backward regions of the State are not much developed in comparison to other urban regions of the State in terms of infrastructure facilities such as potable water, roads, electricity, sanitation and other development indicators such as employment, per capita income and education particularly of the girl child. Welfare measures for the senior citizens, widows, physically handicapped or infirm do not exist in these regions of the State. Tamil Nadu has to be allocated its fair share of resources by the Central Government. As a welfare State, the Government has to provide all these facilities and work towards giving a requisite push for overall and all round development of the State.

Hence this Bill.

New Delhi; T. SUMATHY *ALIAS* THAMIZHACHI THANGAPANDIAN
July 8, 2024.

FINANCIAL MEMORANDUM

Clause 2 of the Bill provides that there shall be paid such sums of moneys out of the Consolidated Fund of India, every year, as Parliament may by due appropriation provide, as special financial assistance to the State of Tamil Nadu to meet the costs of such schemes of development, as may be undertaken by the State of Tamil Nadu with the approval of the Central Government. The Bill, therefore, on enactment, will involve expenditure out of the Consolidated Fund of India for providing special financial assistance to the State of Tamil Nadu. As the sums of moneys which will be given to the State of Tamil Nadu as special financial assistance by appropriation by law made by Parliament will be known only after the welfare schemes to be implemented by the State Government are identified, it is not possible to give the estimates of recurring or non-recurring expenditure, which would be involved out of the Consolidated Fund of India at this stage.

No non-recurring expenditure is likely to be incurred from the Consolidated Fund of India.

Bill No. 85 of 2024

A Bill further to amend the Constitution of India.

Be it enacted by Parliament in the Seventy-fifth Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, 2024.

Short title.

2. In the Seventh Schedule to Constitution,—

Amendment
of the
Seventh
Schedule.

(i) in List II—State list, entry 17 shall be omitted; and

(ii) in List III—Concurrent List, after entry 32, the following entry shall be inserted, namely:—

“32A. Water, that is to say, water supplies, irrigation and canals, drainage and embankments, water storage and water power subject to the provisions of entry 56 of list I.”.

STATEMENT OF OBJECTS AND REASONS

Life is impossible without water. All living beings including human, animals and plants need water for their survival. Therefore, it is desirable that requisite amount of water is available without any hindrance for drinking and irrigation.

Around ninety-seven per cent of the water on the Earth is salty water and only three per cent is fresh water; slightly over two thirds of this fresh water is frozen in the form of glaciers and polar ice caps. The remaining unfrozen fresh water is found mainly as ground water.

Ground water is a renewable resource, yet the world's supply of ground water is steadily decreasing with the depletion of water table, most prominently in Asia and North America. It is still not clear that how much natural renewal balance of fresh water is available or whether ecosystem will be threatened for want of fresh water in near future. The framework for allocating water resources to water users where such a framework exists is known as water rights.

At present, water is a State subject and is considered as primary responsibility of the State Governments.

The Bill seeks to amend that Seventh Schedule to the Constitution with a view to transfer entry 17 of List II-State List pertaining to 'Water', to List III-Concurrent List so that the Parliament and the Central Government can also play their due role for conservation and sustainable use of water to meet the growing needs of the society.

Hence this Bill.

NEW DELHI;
July 9, 2024.

P.P. CHAUDHARY

Bill No. 99 of 2024

A Bill further to amend the Constitution of India.

Be it enacted by Parliament in the Seventy-fifth Year of the Republic of India as follows:—

1. (1) This Act may be called the Constitution (Amendment) Act, 2024.

Short title and
commencement.

(2) It shall come into force on such date, as the Central Government may, by notification in the official Gazette, appoint.

2. In article 58 of the Constitution, in clause (2), for the words “local or other authority”, the words “local or other authority or institution of self-government” shall be substituted.

Amendment of
article 58.

STATEMENT OF OBJECTS AND REASONS

The 73rd and 74th Constitutional Amendments passed by Parliament in 1992 introduced local self governance throughout the territory of India. The Acts came into force as the Constitution (73rd Amendment) Act, 1992 on April 24, 1993 and the Constitution (74th Amendment) Act, 1992 on June 1, 1993.

These amendments added two new parts to the Constitution, namely,—

- 73rd Amendment added Part IX titled “The Panchayats” adding Articles 243 to 243 (O) dealing with Panchayats; and
- 74th Amendment added Part IXA titled “The Municipalities” adding Articles 243(P) to 243 (ZG) dealing with Municipality.

Articles 243(G) and 243(W) prescribe the powers, authorities and responsibilities etc. of Panchayats and Municipalities respectively. The XI and XII schedule of the Constitution define the matters in respect of which schemes for economic development and social justice are to be implemented by Panchayats with regards to Article 243(G) and by Municipalities with regards to Article 243(W) respectively. The Constitution, hence, deals with Panchayats and Municipalities in great detail.

The 73rd and 74th Constitutional Amendments substantially changed the Constitution of India and the manner in which representation of the citizens, governance and devolution of powers in the nation was to be conducted.

However, while monumental in themselves, the amendments failed to change the qualifications for the election of the President of the Union of India.

Article 58(2) states the ineligibility for election as President of India by cause of holding an Office of Profit and the above two chapters were introduced without reflecting within the article the change in the makeup of the State as undertaken by the institution of the third level of governance under Panchayats and Municipalities by these amendments.

The inclusion of Panchayats and Municipalities as separate and distinct bodies in the Constitution as established by the 73rd and 74th Constitutional Amendments requires their inclusion as a disqualification under Office of Profit for the election to the nation’s Presidency. This is because the highest holder of office in the nation should not be influenced in any manner by any authority in the discharge of his/her duties.

Now in view of the above mentioned proposed amendment the Panchayats and Municipalities will also be enshrined within the executive offices of the State as offices of profit for the Presidency of the nation as distinct bodies rather than their present inclusion under ‘any local or other authority’.

Hence it has become expedient to introduce the words ‘or Institution of Self Government’ within Article 58(2) of the Constitution of India.

Hence this Bill.

NEW DELHI;
July 9, 2024.

P. P. CHAUDHARY

Bill No. 94 of 2024

A Bill further to amend the Constitution of India.

Be it enacted by Parliament in the Seventy-fifth Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, 2024.

Short title.

2. In the Seventh Schedule to Constitution,—

(i) in List II—State list, entry 14 shall be omitted; and

(ii) in List III—Concurrent List, after entry 17B, the following entry shall be inserted, namely:—

Amendment
of the
Seventh
Schedule

“17C. Agriculture, including agricultural education and research, protection against pests and prevention of plant diseases.”.

STATEMENT OF OBJECTS AND REASONS

Agriculture has got pivotal role in Indian economy. Though the share of agriculture in the national income is declining, it has a substantial share in Gross Domestic Product of the country. Agriculture is the mainstay of livelihood in rural areas. As nearly as 65 per cent. to 70 per cent. of our total population is engaged in agriculture related activities. Agriculture sector can be revitalized by concerted efforts to be made by the State Government as well as the Union Government. However, the role of the Union Government is negligible in the development of agriculture sector for the reason that agriculture has been listed in the State list and is considered as primary responsibility of the State Governments.

The Bill seeks to amend the Seventh Schedule to the Constitution with a view to transfer entry 14 of List II—State List pertaining to ‘Agriculture’, to List III—Concurrent List so that the Parliament and Central Government can also play their due role for development of agriculture.

Hence this Bill.

NEW DELHI;
July 9, 2024.

P.P. CHAUDHARY

Bill No. 71 of 2024

A Bill to amend the Micro, Small and Medium Enterprises Development Act, 2006.

Be it enacted by Parliament in the Seventy-fifth Year of the Republic of India as follows:—

1. (1) This Act may be called the Micro, Small and Medium Enterprises Development (Amendment) Act, 2024. Short title and commencement.

(2) It shall come into force on such date, as the Central Government may, by notification in the Official Gazette, appoint.

27 of 2006.

2. In the Micro, Small and Medium Enterprises Development Act, 2006, after section 10, the following sections shall be inserted, namely:— Insertion of new sections 10A and 10B.

“10A. (1) Every scheduled commercial bank shall lend to the micro, small and medium enterprises at the rate of one per cent. plus the rate of fixed deposit of such banks. Lending rate and limit for lending of collateral free loans.

(2) Every micro, small or medium enterprise shall be entitled to collateral free loan of upto rupees two crore from scheduled commercial banks.

10B. The Central Government shall, from time to time, notify suitable incentives to increase the inflow of equity capital in micro, small and medium enterprises.”. Incentives to increase the inflow of equity capital.

STATEMENT OF OBJECTS AND REASONS

The Micro, Small and Medium Enterprises Development Act, 2006 aims to provide for facilitating the promotion and development and enhancing the competitiveness of micro, small and medium enterprises in the country. The said Act, as well as the guidelines issued by the Reserve Bank of India in its circular dated 1st July, 2011 and the recommendations of various committees and task groups have brought about considerable positive changes in various areas of development of competitiveness of Micro, Small and Medium Enterprises (MSMEs).

However, the MSMEs, that contribute to nine per cent. of the country's Gross Domestic Product (GDP), forty-five per cent. of the manufactured output, forty per cent. of our exports and that employs an estimated ten million people, continue to face serious bottlenecks in its development. Lack of access to adequate and timely credit at a reasonable cost is the most critical problems faced by this sector. Hence, there is an urgent need to make it mandatory by law for scheduled commercial banks to provide affordable lending rates to MSMEs.

The Bill, hence, aims to ensure lowest lending rates to MSMEs, fixed at one per cent. plus the rate of interest for fixed deposits of the scheduled commercial banks in the country. This would ensure more credit flow to the MSME sector, without hurting commercial banks, as they will continue to have freedom to fix lending rates to other sectors or units. The Bill also aims to make it mandatory for scheduled commercial banks to offer MSMEs, collateral free loans, up to rupees two crore. These two key changes in the principal Act would revive MSMEs through increased credit flow.

Hence this Bill.

NEW DELHI;
July 9, 2024

D.M. KATHIR ANAND

Bill No. 88 of 2024

A Bill further to amend the Food Safety and Standards Act, 2006.

Be it enacted by Parliament in the Seventy-fifth Year of the Republic of India as follows:—

1. (1) This Act may be called as the Food Safety and Standards (Amendment) Act, 2024. Short title and commencement.

(2) It shall come into force on such date, as the Central Government may, by notification in the official Gazette, appoint.

Amendment
of section 3.

2. In section 3 of the Food Safety and Standards Act, 2006 (hereinafter refer to as the principal Act),—

(a) after clause (b), the following clause shall be inserted, namely:—

“(ba) “appropriate Government” means in the case of a State, the Government of that State and in all other cases, the Central Government;”;

(b) after clause (c) the following clause shall be inserted, namely:—

“(ca) “child” means a boy or a girl who has not attained the age of eighteen years;”;

(c) after clause (g), the following clause shall be inserted, namely:—

“(ga) “Council” means the Nutrition Council constituted under section 17A;”;

(d) after clause (h), the following clause shall be inserted, namely:—

“(ha) “educational institution” includes—

(i) a school established, owned or controlled by the appropriate Government or a local authority; or

(ii) a school receiving aid or grants from the appropriate Government or the local authority to meet whole or part of its expenses;

(iii) a school belonging to specified category; or

(iv) an unaided school not receiving any kind of aid or grants to meet its expenditure; or

(v) an educational institution managed by a private entity, society or a trust, which imparts elementary education;”.

Insertion of
new Chapter
IIA.

3. After Chapter II of the principal Act, the following Chapter and sections thereunder shall be inserted, namely:—

“CHAPTER IIA

NUTRITION COUNCIL

Establishment
of Nutrition
Council.

17A. The Central Government shall, by notification in the official gazette, establish a Council to be known as the Nutrition Council to regulate sale and advertising of food products which cause obesity amongst children.

Composition
of Nutrition
Council.

17B. The Council shall consist of—

(a) the Union Minister of Health and Family Welfare, Chairperson, *ex-officio*;

(b) not more than three members having expertise in medicine with at least fifteen years of experience in handling issues related to nutrition and child health;

(c) one expert each in the field of labelling and claims, advertisement, food additives, processing aids; and

(d) one member from the Union Ministry of Women and Child Development not below the rank of Joint Secretary.

Functions of
the Council.

17C. The Council shall—

(a) lay down policies and principles to regulate sale and advertising of food products cause obesity amongst children;

(b) determine its procedure in the performance of its functions;

- (c) admit any complaints regarding non-implementation of its policies; and
(d) initiate action for violating provisions of this Chapter.

17D. The Central Government shall provide such number of officers and other employees to the Council as may be necessary for efficient discharge of its functions.

Central Government to provide Officers and employees.

17E. All food products containing high sugar, calories, sodium, saturated fat or any other ingredient present in food products beyond limits stipulated and detrimental to health of children shall bear label warning about the presence of excess ingredient in black bold letters.

Labelling of food products by the Council..

17F. All food products labelled under section 17E shall not be sold within a radius of one kilometre of educational institution.

Prohibition of sale of labelled food products near educational institution.

17G. All food products labelled under section 17E shall not be advertised in print, television or any other form targeting children below the age of eighteen years.

Prohibition on advertising of labelled food products.

17H. Whoever sells a labelled food product in contravention of the provisions of this Chapter shall be punished with imprisonment for a term which may extend upto three years and fine which may extend upto rupees ten lakhs.

Punishment for sale of labelled food products.

17I. Whoever advertises a labelled food product in contravention of provisions of this Chapter shall be punished with imprisonment for a term which may extend upto two years and fine which may extend upto rupees five lakhs.”.

Punishment for advertisement of labelled food product.

STATEMENT OF OBJECTS AND REASONS

Increasing exposure to variety of fast foods has led to rise in consumption of food products which are largely detrimental to the health of the persons. While adults can recognise the harmful effects the targeted advertising of such unhealthy food products towards younger population has led to poor lifestyle standards amongst youth. The need is to regulate the sale and advertising of such food products so as to save children from their harmful effects.

Childhood obesity is a major challenge in the battle against rising rate of non-communicable diseases in India. While India is already facing challenges in providing affordable healthcare access to its citizens, the effects of poor lifestyle habits among its urban citizens adds further burden on the country's resources. The establishment of Nutrition Council under the Union Ministry of Health and Family Welfare with adequate representation of professionals will be vital in regulating use of ingredients resulting in obesity. A warning label on food products having more than permissible limit of certain ingredients would caution the consumers about their ill-effects.

It is also necessary to place restriction on advertisement of food products which cause obesity and sale of such food products near educational institutions. The Bill, accordingly, seeks to amend the Food Safety and Standards Act, 2006 with a view to reduce consumption of unhealthy food products by children.

Hence this Bill.

NEW DELHI;
July 9, 2024.

D.M. KATHIR ANAND

FINANCIAL MEMORANDUM

Clause 3 of the Bill seeks to constitute a Nutrition Council to regulate the sale and advertising of food products which cause obesity amongst children. It also provides for appointments of experts, officers and employees to the Nutrition Council. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is estimated that a recurring expenditure of about rupees fifty crore per annum would be involved from the Consolidated Fund of India.

A non-recurring expenditure of about rupees one hundred crore is also likely to be involved.

Bill No. 82 of 2024

A Bill to provide for special financial assistance to the State of Tamil Nadu to meet the costs of repairs, renovations and preservation of ancient and historical monuments and archaeological sites and remains including excavation of new archaeological sites and remains situated in the State of Tamil Nadu.

Be it enacted by Parliament in the Seventy- fifth Year of the Republic of India as follows:—

1. (1) This Act may be called the Special Financial Assistance for Ancient Monuments and Archaeological Sites and Remains in the State of Tamil Nadu Act, 2024. Short title and commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires “ancient monument” means any structure, erection or monument, or any tumulus or place of interment, or any cave, rock- sculpture, inscription or monolith which is of historical, archaeological or artistic interest and which has been in existence for not less than one hundred years and includes:—

(i) remains of an ancient monument;

(ii) site of an ancient monument;

(iii) such portion of land adjoining the site of an ancient monument as may be required for fencing or covering in or otherwise preserving such monument; and

(iv) the means of access to, and convenient inspection of, an ancient monument.

Special
Financial
Assistance to
the State of
Tamil Nadu.

3. There shall be paid such sums of moneys out of the Consolidated Fund of India, every year, as Parliament may by due appropriation provide, as special financial assistance to the State of Tamil Nadu to meet the costs of repairs, renovations and preservation of ancient and historical monuments and archaeological sites and remains including excavation of new archaeological sites and remains situated in the State of Tamil Nadu, as may be undertaken by the State with the approval of the Central Government.

Act not in
derogation of
any other law.

4. The provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force.

STATEMENT OF OBJECTS AND REASONS

The State of Tamil Nadu is one of the most favourite destinations of tourists, both domestic and foreign, famous for its rich ancient architecture, art, culture and tradition, fairs and festivals worldwide. The different tourist destinations attract the tourists because of various reasons including its ancient and historical monuments and archaeological sites and remains.

At present, the Archaeological Survey of India is looking after the maintenance and conservation of 242 centrally protected monuments/sites in the State of Tamil Nadu. Besides more than 500 monuments and buildings have been notified as protected monuments in the State of Tamil Nadu. These monuments and archaeological remains of diverse nature are located in the region since prehistoric times and are scattered from the Palaeolithic site at Gudiyam in Tiruvallur District to the Microlithic or Mesolithic sites in Teri Sand in Southern districts of Tirunelveli and Thuthukudi. There are splendid array of Megalithic monuments, pre-historic and historic monuments, the exquisite stone architecture of the Pallavas, Cholas, Pandiyas and the Nayaks. There are hundreds of archaic buildings constructed during the rule of Nawabs of Arcot and the British. The great repertoire of ancient monuments and plethora of ancient temples makes Tamil Nadu the greatest treasure of ancient world. The grand Vellore Fort and the Jalakandeswarar temple complex situated in my Vellore Parliamentary constituency is world renowned and attracts great attention.

Taking care of the monuments is an important duty that devolves on the respective State Government as well as the Central Government. It needs adequate funds to engage people who can look after monuments, ensure that the miscreants do not harm them, as also to get the damaged portion repaired from expert designers and engineers. The Central Government must provide adequate funds for each monument.

The proper upkeep and maintenance of ancient and historical monuments and archaeological sites and remains in the State of Tamil Nadu shall boost heritage tourism which will in turn increase employment, revenue generation and local business in Tamil Nadu.

It is, therefore, necessary that the Central Government should provide special financial assistance to the State of Tamil Nadu to meet the costs of repairs, renovations and preservation of ancient and historical monuments and archaeological sites and remains including excavation of new archaeological sites and remains situated in the State of Tamil Nadu.

Hence this Bill.

NEW DELHI;
July 9, 2024.

D.M. KATHIR ANAND

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides that there shall be paid such sums of money out of the Consolidated Fund of India, every year, as Parliament may by due appropriation provide, as special financial assistance to the State of Tamil Nadu to meet the costs of repairs, renovations and preservation of ancient and historical monuments and archaeological sites and remains including excavation of new archaeological sites and remain situated in the State of Tamil Nadu, as may be undertaken by the State with the approval of the Government of India.

The Bill, therefore, on enactment, will involve expenditure out of the Consolidated Fund of India. As the sums of moneys which will be given to the State of Tamil Nadu as special financial assistance by appropriation by law made by Parliament will be known only after the plans to be implemented by the State Government with the approval of Government of India are identified, it is not possible at present to give the estimates of recurring expenditure, which would be involved out of the Consolidated Fund of India at this stage.

No non-recurring expenditure is likely to be incurred from the Consolidated Fund of India.

Bill No. 106 of 2024

A Bill further to amend the Andhra Pradesh Reorganisation Act, 2014.

Be it enacted by Parliament in the Seventy-fifth Year of the Republic of India as follows:—

1. (1) This Act may be called the Andhra Pradesh Reorganisation (Amendment) Act, 2024. Short title and commencement.

(2) It shall come into force on such date, as the Central Government may, by notification in the official Gazette, appoint.

Insertion of
new
section 90A.

2. In the Andhra Pradesh Reorganisation Act, 2014, in Part IX, in section 90, the following section shall be inserted:—

Central
Government to
provide financial
assistance to
State of Andhra
Pradesh for
Polavaram
Irrigation
Project.

“90A. The Central Government shall, for the purposes of the section 90,—

(a) provide financial assistance of rupees 55,548.87 crore as per the Revised Cost Estimates (RCE) of the 2017-18 price level approved by the Technical Advisory Committee (TAC) of the Central Water Commission (CWC);

(b) consider the water supply component as an integral part of the irrigation component of the Polavaram Irrigation Project (PIP);

(c) reimburse the expenditure incurred by the State of without restricting to component-wise eligibility including expenses incurred towards the construction of the PIP and towards the Rehabilitation and Resettlement of the people displaced by the project:

Provided that the reimbursement shall not be delayed for a period more than one month from the date that the State Government of Andhra Pradesh raised a demand through proper channels:

Provided further that the reimbursement shall be made from an Escrow Account maintained by the Reserve Bank of India in which the Central Government shall deposit an amount which is not less than the Revised Cost Estimates (RCE) of the Technical Advisory Committee (TAC) of the Central Water Commission (CWC) as per clause (a).”.

STATEMENT OF OBJECTS AND REASONS

The Polavaram Project is a National Project and is considered the lifeline of the people of Andhra Pradesh, having grave importance to the State's people. As per the Andhra Pradesh Reorganisation Act, 2014, it is upon the Central Government to execute the project and obtain all requisite clearances including environmental, forests and rehabilitation and resettlement norms.

The estimated cost was Rs. 16,010.45 crore at the 2010-11 Price Level and has increased multi folds considering time and cost overruns, the inclusion of command area development works and increased compensation under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. Owing to the inflation and severe cost overruns, it is difficult to execute the project in 2022 at the 2011-12 Price Level.

The Andhra Pradesh Government submitted the 2nd Revised Cost Estimate (REC-II) for Rs. 57,297.42 crore at 2017-18 Price Level in 2018 with the provisions required for completion of the Polavaram Irrigation Project as recommended by the Polavaram Project Authority. The Technical Advisory Committee (TAC) of the Central Water Commission approved RCE-II for Rs. 55,548.87 crore at the 2017-18 Price Level in 2019. Further, the same dispensation is sought for funding the water supply component from the centre, as it is an integral part of the irrigation component. But regardless of the submission, these issues are yet to be placed before the cabinet for their approval. The Bill, therefore seeks to amend the Andhra Pradesh Reorganisation Act, 2014 to achieve the stated objectives.

Hence this Bill.

NEW DELHI;
July 9, 2024.

MADDILA GURUMOORTHY

FINANCIAL MEMORANDUM

Clause 2 of the Bill *vide* proposed section 90A provides for the provision of financial assistance of Rupees fifty-five thousand five hundred forty-eight crore as per the Revised Cost Estimates of 2017-18 price level, approved by the Technical Advisory Committee of the Central Water Commission (CWC). It also provides that Central Government shall reimburse the expenditure incurred by the State for the Polavaram Irrigation Project. Further, it also provides that the Central Government shall provide adequate funds for the Rehabilitation and Resettlement of the people displaced by the project. The Bill, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that a non-recurring expenditure of about rupees 55548.87 crore is likely to be involved from the Consolidated Fund of India.

No recurring expenditure is likely to be involved from the Consolidated Fund of India.

Bill No. 76 of 2024

A Bill to provide for the teaching of Sanskrit as a compulsory language in schools.

Be it enacted by Parliament in the Seventy-fifth Year of the Republic of India as follows:—

Short title and
commencement.

1. (1) This Act may be called the Compulsory Teaching of Sanskrit Language in Schools Act, 2024.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) ‘appropriate Government’ means in the case of a State, the Government of that State and in all other cases, the Central Government.

(b) “prescribed” means prescribed by rules made under this Act.

3. From such date, as the Central Government may, by notification in the Official Gazette specify, the Sanskrit language shall be taught in every school as a compulsory subject up to eighth standard in such manner as may be prescribed.

Teaching of Sanskrit as a compulsory language in schools.

4. The appropriate Government shall, immediately after issuance of the notification under section 3, issue direction for teaching of Sanskrit language as a compulsory subject upto eighth standard in every school within its jurisdiction.

Appropriate Government to issue directions for compulsory teaching of Sanskrit language in schools.

5. The Central Government and the State Governments shall equally share the expenditure likely to be incurred on the implementation of the provisions of this Act.

Expenditure to be shared by Central Government and State Governments.

6. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to make rules.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days, which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

Sanskrit, the mother of all Indo-Aryan languages, which has also helped in development and enrichment of almost all languages across the globe is fighting a tough battle in its own country of origin i.e. India. The language, acknowledged and documented to be the most structured and scientific language in the entire world, and which was once the *lingua-franca*, has now been reduced to a vanishing minority with just about 14,000 speakers left, across a country of over 1.2 billion population.

India's official education policy specifically mentions that facilities for the intensive study of Sanskrit have to be encouraged. Still, the apathy, neglect and propaganda against Sanskrit went on to such an extent that the Supreme Court of India had to intervene in 1994 to declare that Sanskrit had to be a part of education. However, the various States of India are still disadvantaging, discouraging and discriminating with teaching of Sanskrit language at school, college and University level.

It is absolutely essential that Sanskrit be taught as language in all schools and institutions of higher learning. State must ensure that institutions of higher learning produce good Sanskrit teachers and that all vacancies of Sanskrit teachers in schools are filled-up immediately. It is highly deplorable that such a language which has a vast literature is being neglected in its own country.

It is high time now to make sincere efforts to increase awareness in the younger generation about the importance of Sanskrit. Teaching of Sanskrit as a compulsory language in schools at least upto eighth standard will enable the younger generation to enrich their personality and to be aware of the noble traditions and thoughts of India which would help them become better citizens.

Hence this Bill.

NEW DELHI;
July 9, 2024.

SMITA UDAY WAGH

FINANCIAL MEMORANDUM

Clause 5 of the Bill provides that the total expenditure incurred on teaching of Sanskrit as a compulsory language in every school upto eighth standard shall be borne equally by the Central Government and the State Governments. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. Although, the exact amount of expenditure cannot be estimated, however, it is estimated that a recurring expenditure of about twenty crore rupees per annum is likely to be involved from the Consolidated Fund of India.

No non-recurring expenditure is likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 6 of the Bill empowers the Central Government to make rules for carrying out the provisions of the Act. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

Bill No. 92 of 2024

A Bill to constitute a Youth Commission for the purpose of evolving and implementing programmes for educating and empowering the youth and to function as protector of the rights of youth and for matters connected therewith or incidental thereto.

Be it enacted by Parliament in the Seventy-fifth Year of the Republic of India as follows:—

1. (1) This Act may be called the National Youth Commission Act, 2024.

Short title and
commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) “Chairperson” means the Chairperson of the Commission;

(b) “Commission” means the National Youth Commission constituted under section 3;

(c) “member” means a member of the Commission;

(d) “prescribed” means prescribed by rules made under this Act; and

(e) “youth” means a person who has attained eighteen years of age but has not completed thirty five years of age.

CHAPTER II

CONSTITUTION OF THE COMMISSION

Constitution
of the
Commission.

3. (1) The Central Government shall, as soon as may be after the commencement of this Act, by notification in the Gazette, constitute a Commission to be known as the National Youth Commission to exercise the powers conferred on, and to perform the functions assigned to it under this Act.

(2) The Commission shall consist of,—

(a) a Chairperson; and

(b) such number of members not more than ten, out of which one shall be a woman, one each shall be a person belonging to the Scheduled Caste and Scheduled Tribe and one shall be a qualified legal practitioner,

to be appointed by the Central Government in such manner as may be prescribed.

(3) The Chairperson and the members of the Commission shall be youth.

(4) The Central Government shall appoint a person who holds, or has held, a post not below the rank of an Additional Secretary to the Central Government as the Secretary of the Commission.

(5) The headquarters of the Commission shall be at New Delhi.

Term of
office and
conditions of
service of the
Chairperson
and the
members.

4. (1) The Chairperson and members of the Commission shall hold office for a period of three years from the date on which they assume office:

Provided that the Chairperson shall continue to hold such office until his successor is appointed in accordance, with the provisions of section 3 and assumes office, or for six months, whichever is earlier.

(2) The Chairperson or member may, at any time, by writing under his hand addressed to the Central Government, resign from his office.

(3) A casual vacancy in the office of the Chairperson or member, caused by reason of death, removal or resignation or otherwise, shall be filled by fresh appointment and the person so appointed shall hold office for the remaining period of the term of the person in whose place he is appointed.

(4) The Central Government may, by order, remove the Chairperson or any member from his office if he,—

(a) is adjudged as an insolvent; or

(b) has been convicted and sentenced to imprisonment for an offence which, in the opinion of the Central Government, involves moral turpitude; or

(c) becomes of unsound mind and stands so declared by a competent Court; or

(d) without obtaining leave of absence from the Commission, is absent from three consecutive meetings of the Commission; or

(e) is in the opinion of the Government, abused his official position so as to render his continuance in office prejudicial to the interest of the youth or to the public interest:

Provided that no person shall be removed under this clause unless he has been given a reasonable opportunity of being heard.

(5) Where the Chairperson or a member cease to be a youth he shall cease to hold the office.

(6) The Chairperson or a member shall not be eligible to hold office for more than two terms.

(7) The general superintendence, direction and administration of the day-to-day affairs of the Commission shall vest in the Chairperson and he shall be assisted by the other members.

(8) The Chairperson shall be a full-time officer having the rank of Secretary to the Central Government and shall be paid with such salary and allowances, as may be prescribed.

(9) The members shall be paid with such allowances or sitting fees, as may be prescribed, for attending the meetings of the Commission.

5. (1) The Central Government shall provide the Commission with such officers and other employees as may be required for the proper functioning of the Commission. Staff of the Commission.

(2) The salaries and allowances payable to and other terms and conditions of service of the officers and other employees appointed for the purpose of the Commission shall be such as may be prescribed.

6. The salary and allowances payable to the Chairperson and the allowances or sitting fees payable to the members and the administrative expenses including the salary, allowances and pension payable to the officers and other employees referred to in section 5 shall be paid out of the grants referred to in sub-section (1) of section 12. Salary, allowances and administrative expenses to be paid out of grants.

7. No act or proceedings of the Commission shall be invalid on the ground merely of the existence of any vacancy in the Commission or any defect in its constitution. Vacancies etc. not to invalidate the proceedings of the Commission.

8. (1) The Commission shall meet at such places and at such time as the Chairperson may think fit and the Commission shall have the power to regulate its own procedure. Meetings of the Commission.

(2) All orders and decisions of the Commission shall be authenticated by the signature of the Chairperson or any other member authorised by the Commission in this behalf and other instruments executed by the Commission shall be authenticated by the signature of the Secretary or any other officer of the Commission authorised by the Chairperson in this behalf.

(3) The Commission may, for the purpose of transacting any business before it or for considering any special issue, invite persons not exceeding two, having specialized knowledge in the matter, but they shall have no right to vote in the meetings of the Commission.

CHAPTER III

POWERS AND FUNCTIONS OF THE COMMISSION

9. (1) Subject to the provisions of this Act, it shall be the duty of the Commission to guide, assist, promote and develop, for the welfare of the youth and to perform such functions as the Central Government may, from time to time, assign to it. Functions of the Commission.

(2) The Commission may, in furtherance of its object, perform the following functions, namely:—

(a) co-ordinate the Government departments for securing better education and employment opportunities to youth;

(b) function as a protector of youth affairs of the country;

(c) include and educate the dignity of labour among the youth;

(d) collect sector-wise data of youth of the country according to age, education, field, economical condition to formulate policy for youth;

(e) undertake promotional and educational research so as to suggest the Central Government better ways of ensuring employment opportunities to the youth;

(f) monitor occupational hazards faced by the youth in the unorganized sector;

(g) formulation of policies and programmes according to clustered data with the help of experts;

(h) formation of Youth Hubs at different levels;

(i) engagement and coordination for implementing policies with Universities, College, Institutes, Government and non-Governmental organizations at State, national and international level, Nehru Yuva Kendra Sanghathan, National Service Scheme, National Cadet Corps, Model Career Centre (MCC), National Green Corps (NGC) and United Nations;

(j) establish and developed Youth Development Institute in each districts;

(k) coordination with Youth Affairs and Sports ministries at National and State level;

(l) implementing schemes and programmes by Government and non-Governmental organizations for youth at different levels;

(m) monitoring sector-wise training of youth at different levels;

(n) formulation of different programmes with the help of all engaged systems;

(o) monitoring implementation of all the programmes;

(p) Union Public Service Commission/Maharashtra Public Service Commission competitive exam Training Center;

(q) formation of Local Youth Organizations working under supervision of National Youth Commission;

(r) Anti-Drug Campaign;

(s) establishing district level health-care centers specifically dealing in counselling into depression and anxiety;

(t) conducting Mission – *Ek Ghar Ek Rojgar*; and

(u) vouch for dialogue between the youth and various educational institutes, Universities, non-Governmental organisations, International Forums for policy recommendations.

10. (1) The Commission may, for the purpose of carrying out its functions, utilize the services of,— Powers of the Commission.

(a) any officer of the Central Government with prior permission of the Central Government; or

(b) any officer of the Central Government-owned Corporations or of the local Authorities with the consent of such Corporation or local Authority and with the concurrence of the Central Government.

5 of 1908. (2) The Commission shall, while performing its functions under section 9, have all the powers of a Civil Court trying a suit under the Code of Civil Procedure, 1908 in respect of the following matters, namely:—

(a) summoning and enforcing the attendance of any person and examining him on oath;

(b) requiring the discovery and production of any document;

(c) receiving evidence on affidavits;

(d) requisitioning any public record or copy thereof from any court or office;

(e) appointing commissions for the examination of witnesses or documents; and

(f) for any other matter, as may be prescribed.

(3) The Commission shall, while conducting the enquiry under section 9, afford opportunity to all parties to present their views by themselves or through authorised representative.

(4) The findings of the Commission on any enquiry conducted under this Act shall be communicated to the Central Government with its recommendation for appropriate action or relief to the parties to the dispute.

11. The Commission shall, with the previous sanction of the Central Government, and subject to such terms and conditions as may be required by the Central Government in this matter, receive money from any organization or person by way of donation, contribution or in any other name, for creating endowments and for providing prizes to encourage the youth in various literary, cultural and sports activities. Donations, contributions etc. to the Commission.

CHAPTER IV

FINANCE, ACCOUNTS AND AUDIT

12. (1) The Central Government shall, after due appropriation made by the Parliament by law in this behalf, provide to the Commission by way of grant, such sums of money as the Central Government may think fit for being utilised for the purpose of this Act. Grants by the Government.

(2) The Commission shall spend such sums out of the grants as it may deem fit for performing the functions under this Act and such sums shall be treated as expenditure payable out of the grants referred to in sub-section (1).

13. (1) The Commission shall maintain proper accounts and other relevant records and prepare an annual statement of accounts in such form and manner as may be prescribed in consultation with the Comptroller and Auditor General. Accounts and Audit.

(2) The accounts of the Commission shall be audited annually by the Comptroller and Auditor General and any expenditure incurred in respect of such audit shall be paid by the Commission to the Comptroller and Auditor General.

(3) The Comptroller and Auditor General and any person appointed by him in connection with the audit of accounts of the Commission under this Act shall have the same rights and privileges as usually the Comptroller and Auditor General has in connection with the audit of Government accounts and, in particular shall have the right to demand the production of books, accounts, connected vouchers and other documents and papers and to inspect any office of the Commission.

(4) The accounts of the Commission as certified by the Comptroller and Auditor General or any other person appointed by him in this behalf, together with the audit report thereon, shall be forwarded annually to the Government by the Commission and the Central Government shall, within a period of six months from the date of its receipt, cause the report to be laid before the Parliament.

Annual report of the Commission.

14. (1) The Commission shall, as soon as may be, after the end of each financial year, submit to the Central Government an annual report giving a full account of the activities and programmes undertaken during the previous financial year, together with a status statement of the youth, in such form and on such date, as may be prescribed.

(2) A copy of the report received under sub-section (1) shall be laid before the Parliament within six months after it is received by the Government.

CHAPTER V

MISCELLANEOUS

Protection of action taken in good faith.

15. No suit, or prosecution or other legal proceeding shall lie against the Commission, the Chairperson or any member or Secretary or any officer or any other employee of the Commission acting under the direction of the Commission in respect of anything which is done or purported to be done in good faith under this Act.

Chairperson, members, Secretary and officers of the Commission to be public servant.

16. The Chairperson, members, Secretary, officers and employees of the Commission shall be deemed to be public servant within the meaning of section 21 of the Indian Penal Code, 1860.

45 of 1860.

Application of other laws not barred.

17. The provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force.

Power to remove difficulties.

18. (1) If any difficulty arises in giving effect to the provisions of this Act, the Government may, by order published in the Gazette, make such provisions not inconsistent with the provisions of this Act, as appear to it to be necessary or expedient, for removing the difficulty:

Provided that no such order shall be issued after the expiry of a period of two years from the date of commencement of this Act.

(2) Every order made under this section shall, as soon as may be after it is made, be laid before the Parliament.

Power to make rules.

19. (1) The Central Government may, by notification in the Gazette, make rules for carrying out the provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing powers, such rules may provide for all or any of the following matters, namely:—

(a) salary and allowances payable to, and other terms and conditions of service of, the Chairperson, allowances and sitting fees payable to the members;

(b) allowances and other benefits payable to other officers engaged for duties under clauses (a) and (b) of sub-section (1) of section 10;

(c) the summoning and holding of the meetings of the Commission and the quorum for the meeting;

(d) the powers and functions of the Secretary of the Commission;

(e) the form of annual statement of accounts to be maintained;

(f) the form of annual report to be prepared; and

(g) any other matter which is required to be, or may be, prescribed.

(3) Every rule made under this Act shall be laid, as soon as may be after it is made, before the Parliament while it is in session for a total period of fourteen days which may be comprised in one session or in two successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following, the Parliament makes any modification in the rule or decides that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

Our country has one of the largest youth population in the world. According to census data we have a population of forty-two crores (approx.) in the age group of fifteen to thirty- five years out of which male youth population is 21.76 crores and female youth population is 43 crores (approx).

The purpose of bringing this Bill is to have a National Youth Commission for the purpose of evolving and implementing programmes for educating and empowering the youth. The National Youth Commission can work on motto of “*Atmavat Manyet Jagat*” which means “*Consider World Like your own self*”.

With the vision of inculcation of values of patriotism, nationalism among youth and strive for world peace, promotion and protection of physical, moral, spiritual and intellectual well-being of the youth as well as developing innovative and scientific attitude among the youth with traditional value system, the need for setting of a National Youth Commission has been felt for a long time.

The aim of the constitution of National Youth Commission is to mobilize and organize dynamic youth of nation for resolution of problems of community and to undertake issues pertaining to their constructive development and hence to utilize this power for overall sustainable development of nation.

In view of the above, our Nation needs an institutional mechanism with the objectives to formulate skilled and flourished youths especially from rural and tribal areas, to devise young generation for their perennial and overall development, to mould energetic young human resources for sustainable development of the community, to manoeuvre competent youths in policy making, involvement in different welfare activities of Government for national building and also to make available platform on national level as well as globalisation of traditional Indian eco friendly skill.

World’s superpowers are struggling for the young workforce whereas our country is the youngest country in the world and in India there is wide human resources which is youth. But the fact is these human resources are not utilized in proper way and grievously youth of our nation has neutrality about participation in Government initiatives mainly in supporting good governance and policy making. Youth are the nation builders and they have capacity to transform the face of the nation.

In order to organize the youth in proper way with achieving the both goals of their development and nation building, it demands a powerful focused system comprehend all the youth development activities under common aegis.

Hence this Bill.

NEW DELHI;
July 9, 2024.

SMITA UDAY WAGH

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for constitution of the National Youth Commission. Clause 5 provides for appointment of Officers and employees of the Commission. Clause 6 provides for payment of salaries, allowances and administrative expenses in respect of the National Youth Commission. Clause 12 provides for the payment of grants by the Central Government to the Commission. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is estimated that a recurring expenditure of about rupees five crore may be incurred per annum.

Anon-recurring annual expenditure of about rupees ten crore is also likely to be incurred.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 19 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules relate to matters of detail only, the delegation of legislative power is of a normal character.

Bill No. 102 of 2024

A Bill to provide for the rehabilitation and compensation to the victims of natural lightning strike disaster and for matters connected therewith.

Be it enacted by Parliament in the Seventy-fifth Year of the Republic of India as follows:—

1. (1) This Act may be called the Victims of Natural Lightning Disaster (Compensation) Act, 2024.

Short title,
extent and
commencement.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) “appropriate Authority” means an Officer appointed under section 3;

(b) “natural lightning disaster” means the disaster caused due to lightning strike which generally occurs during rain or prior to it;

(c) “prescribed” means prescribed by rules made under this Act; and

(d) “victims of natural calamity” means a person who suffers physical bodily harm or whose property, including livestock, crop, orchard, field, machine or tools, is lost, destroyed or damaged due to lightning strike and includes, in the case of death of such victim due to lightning disaster, his family members.

Appointment
of
Appropriate
Authority.

3. (1) The Central Government shall, in consultation with the State Governments appoint an Appropriate Authority in such a manner as may be prescribed for providing financial assistance and other benefits to the victims of lightning disaster.

(2) The Appropriate Authority appointed under sub-section (1) shall be provided with such staff as may be necessary for efficient discharge of his duties under this Act.

(3) It shall be the duty of the Appropriate Authority to ensure provision of food, medical care, adequate shelter and financial assistance to the victims of lightning disaster in such a manner as may be prescribed.

(4) The financial assistance to the victims of lightning disaster shall be disbursed as early as possible but not later than three months from the occurrence of the lightning disaster.

Financial
assistance and
other
benefits.

4. (1) A claim for receiving financial assistance shall be made in the prescribed form by the victims of lightning strike to the Appropriate Authority, who shall disburse the financial assistance to the victims, after making such inquiry and in such manner, as may be prescribed.

(2) The victim of lightning disaster shall be provided with the following financial assistance and other benefits:—

(a) in case of loss of life,—

(i) financial assistance in the form of a compensation of not less than rupees ten lakh shall be given to the next of the kin of the deceased; and

(ii) suitable employment shall be provided to one of the dependants of the deceased;

(b) in case of severe injury,—

(i) medical treatment free of cost; and

(ii) such financial assistance as, in the opinion of the Appropriate Authority, is necessary for his rehabilitation, subject to a minimum amount of rupees two lakh and maximum amount of rupees five lakh;

(c) in case of damage to the dwelling unit or property of any forms which includes commercial space, machine, tools and vehicle, victim shall be provided with such financial assistance as is required for the repair or reconstruction of dwelling unit or property after due assessment by recognised assessors;

(d) in case of loss of livestock, the victim shall be given adequate financial assistance in proportion to the losses suffered by him.

Savings.

5. The provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force.

Power to
remove
difficulties.

6. (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by general or special order published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act as appear to it to be necessary or expedient for the removal of the difficulty:

Provided that no such order shall be made after the expiry of a period of two years from the date of the commencement of this Act.

(2) Every order made under this section shall, as soon as may be after it is made, be laid before each House of Parliament.

7. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act. Power to make rules.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised of one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

The loss of lives and damages to dwelling units, commercial spaces, machines, tools, crops, livestock, etc. due to lightning strikes across the country have increased in recent times.

There has been nearly a 35 per cent. increase in the overall count of lightning strikes and 40 per cent. increase in incidents of cloud to ground lightning in the country. Thunderstorms and lightning have emerged as major weather hazards in recent years, killing about 2,500 people annually and the most affected are people in rural areas or working outdoors are most at risk.

Because of the climate change constituting heat waves further in coming years, the lightning strikes are also expected to increase more.

India suffers huge human casualties from lightning compared to other developed countries and about two people in a million die from lightning and properties worth several crores get damaged in India each year.

A bolt from the blue that kills thousands in India and yet the Central Government is yet to declare lightning a natural disaster, saying that deaths caused by lightning can be avoided through education and awareness. This justification by the Central Government cannot and will not be accepted as every disaster can be prevented by education and awareness and not only the lightning disaster alone.

Many States have been demanding the Central Government to declare lightning strike a natural disaster. Therefore, the Central Government should declare lightning a natural disaster or calamity to get compensation for the victims of this lightning natural disaster.

Hence this Bill.

NEW DELHI;
July 9, 2024.

V.K. SREEKANDAN

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the appointment of an Appropriate Authority for providing financial assistance and rehabilitation measures to the victims of lightning disaster. Clause 4 provides for financial assistance of rupees ten lakh to the next of kin of a person who dies in any lightning disaster and medical treatment for injured persons and other welfare measures for the victims of lightning disaster. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is not possible to give an exact estimate of the actual expenditure to be involved to meet any unpredictable eventuality. However, it is estimated that recurring expenditure of rupees one thousand crore per annum would be involved from the Consolidated Fund of India.

A non-recurring expenditure to the tune of rupees five thousand crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 7 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

Bill No. 97 of 2024

A Bill to provide for the establishment of a Permanent Bench of the High Court of Kerala at Palakkad.

Be it enacted by Parliament in the seventy-fifth year of the Republic of India as follows:—

1. (1) This Act may be called the High Court of Kerala (Establishment of a Permanent Bench at Palakkad) Act, 2024.

Short title and commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. There shall be established a Permanent Bench of the High Court of Kerala at Palakkad and such Judges of the High Court of Kerala, being not less than five in number, as the Chief Justice of that High Court may, from time to time nominate, shall sit at Palakkad in order to exercise the jurisdiction and power for the time being vested in that High Court at Ernakulam in respect of cases arising in the district of Palakkad and other districts falling in the Malabar region of Kerala and such other territories within that State as the President may by notification specify.

Establishment of a Permanent Bench of High Court of Kerala at Palakkad.

STATEMENT OF OBJECTS AND REASONS

The principal seat of the Kerala High Court is at Ernakulam, which is situated at a distance of nearly 150 kilometres from Palakkad and more distance from other districts falling in the Malabar region of Kerala to Ernakulam.

Palakkad is the second most industrial district in the State of Kerala, having industrial units of both Central and State Governments, apart from private sector units. Palakkad is also the divisional headquarter of Southern Railways. In addition to the above, the density of the population in the district is also quite high as also in the neighbouring districts. Therefore, the litigations are bound to be quite high here. However, since the present seat of the High Court of Kerala is far away from here, the litigants are not able to pursue their legal cases as promptly as they should be. Even if the litigants manage to reach the present High Court at Ernakulam, after sparing their valuable time and money, it is not sure that the case will be heard on that day, the case is either postponed for many reasons or the sitting is cancelled in the absence of judges, and this way the litigations take years to come to a conclusion and this creates a question mark on our judicial system. Moreover, it is the duty of a State to make judicial system at the doorstep to provide justice to its citizens and to erase the saying that justice delayed is justice denied.

It will be, therefore, appropriate if a Bench of the High Court is established at Palakkad in the State of Kerala.

Hence this Bill.

NEW DELHI;
July 9, 2024.

V.K. SREEKANDAN

Bill No. 83 of 2024

A Bill further to amend the All India Institutes of Medical Sciences Act, 1956.

Be it enacted by Parliament in the Seventy-fifth Year of the Republic of India as follows:—

1. (1) This Act may be called the All India Institutes of Medical Sciences Act, 2024.

Short title and
commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

25 of 1956.

2. After section 3 of the All India Institutes of Medical Sciences Act, 1956, the following section shall be inserted, namely:—

Insertion of
new section
3A.

Establishment
of All India
Institute of
Medical
Sciences at
Palakkad in
the State of
Kerala.

“3A. (1) There shall be established an All India Institute of Medical Sciences at Palakkad in the State of Kerala which shall be a body corporate, to be known as the All India Institute of Medical Science Palakkad.

(2) The provision of this Act shall apply mutatis mutandis to the All India Institute of Medical Sciences, Palakkad established under sub-section (1).”.

STATEMENT OF OBJECTS AND REASONS

It has been a long pending of the people of Kerala to establish an All India Institute of Medical Sciences in Kerala.

The Union Government has so far sanctioned 22 All India Institutes of Medical Sciences (AIIMS) under Pradhan Mantri Swasthya Suraksha Yojana (PMSSY) across the country, but sorry to note that not a single such institution has been sanctioned for the State of Kerala and it is an injustice or discrimination towards the people of Kerala and against the spirit of our Constitution which provides equality to all.

Generally, the people of Kerala are very health conscious, but not now, from time immemorial. However, the new diseases one after the other, further accelerated their consciousness on health, and therefore, there is always a huge rush in all government-run hospitals which are the only source for the poor people.

The two deadly viruses were first detected in the State of Kerala i.e. Nipah outbreak in the year 2018 and the Covid-19 in the year 2020 and on both the occasions the Union Government had to depute a central team to take control of the situation, and therefore, such an institution like AIIMS is a must in the State of Kerala, to tackle such a situation, if arises in the future, in addition to providing world-class treatment. Recently cases of Nipah and Zika viruses were reported in Kerala.

While I demand to set up an AIIMS in the State of Kerala, I recommend a place for the same, which is Palakkad. Palakkad would be an ideal place as such an institution at Palakkad will fill the gaps in tertiary healthcare infrastructure in this part of Kerala, since Palakkad lacks healthcare infrastructure is not matching with the other places, the people of Palakkad district now have to undertake a journey ranging from 60 kms. to 120 kms. to get treatment from specialty hospitals located at either Thrissur, Malappuram, Kozhikode or Coimbatore.

Therefore, looking into the gaps in tertiary healthcare infrastructure in the district of Palakkad, I urge upon the government to establish an AIIMS at Palakkad in Kerala.

Hence this Bill.

NEW DELHI;

V.K. SREEKANDAN

July 9, 2024.

FINANCIAL MEMORANDUM

Clause 2 of the Bill provides for establishment of an All India Institute of Medical Sciences at Palakakd in the State of Kerala. The Bill, therefore, if enacted would involve expenditure from the Consolidated Fund of India. It is estimated that an expenditure of about rupees 50 crore would be incurred per annum from the Consolidated Fund of India.

A non-recurring expenditure of about rupees one thousand crore is likely to be involved.

Bill No. 90 of 2024

A Bill to promote organic farming in the country, reduce dependency on chemical fertilizers in farming and highlight ill effects on health of the individuals and for matters connected therewith.

WHEREAS it is expedient to promote organic farming in India to ensure sustainable agricultural practices, improve soil health, protect the environment, and safeguard human health;

AND WHEREAS it is necessary to reduce the dependency on chemical fertilizers due to their adverse effects on soil, water, human health and the overall ecosystem.

Be it enacted by Parliament in the Seventy-fifth Year of the Republic of India as follows:—

1. (1) This Act may be called the Promotion of Organic Farming Act, 2024.

(2) It extends to the whole of India.

(3) It shall come into force on such date, as the Central Government may, by notification in the official Gazette, appoint.

Short title,
extent and
commencement.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) “appropriate Government” means in the case of a State the Government of that State and in all other cases, the Central Government;

(b) “agricultural produce” includes wheat, paddy, pulses, sugarcane, cotton, oil seeds, coarse grains like maize, millet, jowar, bajra, gram, soyabean, fruits and vegetables such as potato, onion, tomato, cauliflower, cabbage including such other agricultural or horticultural produce which are used for human consumption or for any medicinal purposes;

(c) “Board” means the National Organic Farming Board established under section 3;

(d) “chemical fertilizers” means substances synthesized chemically that are added to soil to supply one or more plant nutrients essential to the growth of plants;

(e) “organic farming” means a method of farming that excludes the use of synthetic chemicals, fertilizers, pesticides, and genetically modified organisms and relies on techniques such as crop rotation, green manure, compost and biological pest control; and

(f) “prescribed” means prescribed by rules made under this Act.

Establishment of the National Organic Farming Board.

3. (1) The Central Government shall, by notification in the Official Gazette, establish a Board to be known as the National Organic Farming Board for carrying out the purpose of the Act.

(2) The Board shall be responsible for promoting organic farming in the country.

(3) The composition, powers and functions of the Board shall be such as may be prescribed.

Schemes and Incentives for Organic Farmers.

4. (1) The Central Government shall, in consultation with the Board, formulate schemes to provide financial and technical assistance to farmers adopting organic farming in such manner as may be prescribed.

(2) The schemes formulated under sub-section (1) may include subsidies, financial assistance and training programs to the farmers aimed at encouraging organic farming practices.

(3) The appropriate Government shall implement the schemes formulated under sub-section (1) in their respective States in such manner as may be prescribed.

Certification and Labeling.

5. (1) The appropriate Government shall, by notification in the Official Gazette, establish a certification process for certifying any agricultural produce as an organic product to ensure their authenticity and quality under their jurisdiction.

(2) The appropriate Government shall ensure that every certified organic product under sub-section (1) shall carry a label indicating their organic status in such manner as may be prescribed.

Research and Development.

6. (1) The Central Government shall promote research and development in organic farming through various agricultural research institutions in such manner as may be prescribed.

(2) The Central Government shall ensure that research and development under sub-section (1) focus on developing sustainable organic farming techniques, improving crop yields and finding natural alternatives to chemical fertilizers and pesticides.

7. Any person who contravenes the provisions of this Act shall be punishable with such penalty as may be prescribed. Penalty.

8. The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide adequate funds to the Board for carrying out the purposes of this Act. Central Government to provide funds.

9. No suit, prosecution or other legal proceedings shall lie against the Central Government, the State Government or any officer of these Governments for anything done in good faith under this Act. Protection of Action Taken in Good Faith.

10. (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act, as may appear to be necessary for removing the difficulty: Power to Remove Difficulties.

Provided that no such order shall be made under this section after the expiry of a period of two years from the commencement of this Act.

(2) Every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament.

11. (1) The appropriate Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act. Power to make rules.

(2) Every rule made under this Act by the Central Government shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

(3) Every rule made by the State Government under this Act shall be laid, as soon as may be after it is made, before the State Legislature.

STATEMENT OF OBJECTS AND REASONS

Continuous use of chemical fertilizers leads to soil degradation, reducing its fertility and productivity over time. Chemical fertilizers often cause soil acidification, which adversely affects the growth of crops. Excessive use of chemical fertilizers leads to water pollution due to runoff, contaminating rivers, lakes and groundwater. Nitrogen-based fertilizers contribute to the emission of nitrous oxide, a potent greenhouse gas that contributes to climate change.

Over-reliance on chemical fertilizers creates a dependency cycle, requiring increasing amounts for the same yield. The cost of chemical fertilizers imposes a financial burden on farmers, reducing their profitability. Residues of chemical fertilizers on crops can pose health risks to consumers, including various chronic diseases such as cancer, endocrine disruption, and developmental disorders. Chemical residues in food can lead to acute poisoning and long-term health issues for consumers. The need is to promote organic farming in India as a sustainable agricultural practice, reducing the dependency on chemical fertilizers.

The proposed Bill seeks to address the adverse effects of chemical fertilizers on soil health, environment and human health and to provide a framework for supporting and encouraging organic farming across the country.

Hence this Bill.

NEW DELHI;
July 9, 2024.

RAJKUMAR CHAHAR

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for establishment of the National Organic Farming Board for carrying out the purpose of the Act. Clause 4 provides for the Central Government to formulate schemes to provide financial and technical assistance to farmers adopting organic farming including subsidies, financial assistance and training programs to the farmers aimed at encouraging organic farming practices. Clause 5 provides for the appropriate Government to establish a certification process for certifying any agricultural produce as an organic product to ensure their authenticity and quality under their jurisdiction. Clause 6 provides for the Central Government to promote research and development in organic farming through various agricultural research institutions. Clause 8 provides for the Central Government to provide adequate funds for carrying out the purpose of the Act. The Bill, therefore, if enacted will involve expenditure out of the Consolidated Fund of India. It is estimated that a sum of rupees twelve hundred crore would involve as recurring expenditure per annum from the Consolidated Fund of India.

A non-recurring expenditure of about rupees fifty crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 11 of the Bill empowers the appropriate Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

Bill No. 69 of 2024

A Bill further to amend the Mahatma Gandhi National Rural Employment Guarantee Act, 2005.

Be it enacted by Parliament in the Seventy-fifth Year of the Republic of India as follows:—

1. (1) This Act may be called the Mahatma Gandhi National Rural Employment Guarantee (Amendment) Act, 2024. Short title and commencement.

(2) It shall come into force on such date as the Central Government, may by notification in the Official Gazette, appoint.

42 of 2005. **2.** After section 5 of the Mahatma Gandhi National Rural Employment Guarantee Act, 2005 (hereinafter referred to as the principal Act), the following sections shall be inserted,— Insertion of new section 5A.

“5A. The Central Government or the State Government may, within the limits of their jurisdiction ensure that the persons employed under the Scheme,— Timely payment of wages under the Scheme, etc.

(a) are paid their wages on time;

(b) are not imposed any technological change and innovations without proper consultation and training; and

(c) are not made to suffer due to paucity of funds.”.

3. In section 25 of the principal Act, for the words, “which may extend to one thousand rupees”, the words “which shall not be less than rupees ten thousand but which may extend upto rupees one lakh” shall be substituted. Amendment of Section 25.

STATEMENT OF OBJECTS AND REASONS

The Mahatma Gandhi National Rural Employment Guarantee Scheme (MGNREGS) is a flagship programme of the Government of India aimed at providing employment to rural households in the country. The success of the programme depends on the efficient functioning of its employees. However, persons employed under the MGNREGS are often subject to payment delays, technological impositions, and paucity of funds, which affect their efficiency and morale.

The need is to protect the persons employed under the MGNREGS from payment delays, technological imposition, and paucity of funds. It is the responsibility of the Central Government and the State Governments concerned to take necessary steps to ensure that the persons employed under the MGNREGS are paid their wages on time, technological changes and innovations are not imposed on the employees without proper consultation and training, and there is no paucity of funds for the implementation of MGNREGS. It is also required to have a requisite penalty for non-compliance for timely payment to the persons employed under the MGNREGS.

The Bill therefore, seeks to amend the Mahatma Gandhi National Rural Employment Guarantee Act, 2005 with a view to put an obligation on the Central Government and the State Governments for the timely payment of wages to the persons employed under the Scheme, etc.

Hence this Bill.

NEW DELHI;
July 9, 2024.

HIBI EDEN

Bill No. 79 of 2024

A Bill further to amend the Air (Prevention and Control of Pollution) Act, 1981.

Be it enacted by Parliament in the Seventy-fifth Year of the Republic of India as follows:—

1. (1) This Act may be called the the Air (Prevention and Control of Pollution) Amendment Act, 2024. Short title and commencement.

(2) It shall come into force on such date, as the Central Government may, by notification in the official Gazette, appoint.

14 of 1981.

2. In section 2 of the Air (Prevention and Control of Pollution) Act, 1981, hereinafter referred to as the principal Act,— Amendment of section 2.

(a) after clause (b), the following clause shall be inserted, namely:—

“(ba) “Air Quality Index (AQI)” means a measure of air quality that takes into account various air pollutants and their concentrations;”;

(b) after clause (j), the following clause shall be inserted, namely:—

“(ja) “green practices” means sustainable practices that minimize the negative impact of human activities on the environment;”;

(c) after clause (m), the following clause shall be inserted, namely:—

“(ma) “polluting industries” means industries that emit air pollutants beyond the permissible limits set by the Central Board;”;

and

(d) after clause (n), the following clause shall be inserted:—

“(na) “public transport” means transport services provided by the Government or any other entity to the general public;”.

Insertion of
new sections
19A, 19B,
19C, 19D and
19E.

3. After section 19 of the principal Act, the following section shall be inserted,—

National clean
air plan.

“19A. (1) The Central Government shall prepare a National Clean Air Plan to be implemented by the State Governments in a time-bound manner as may be prescribed.

(2) The National Clean Air Plan under sub-section (1), shall include the following measures, namely:—

(a) measures to reduce emissions from polluting industries and transportation sector;

(b) measures to promote the use of clean energy sources such as solar, wind, and hydropower;

(c) measures to promote the use of electric vehicles and public transport;

(d) measures to promote the use of non-motorized transport such as cycling and walking; and

(e) measures to promote green practices in various sectors of the economy.

Air quality
monitoring.

19B. (1) The Central Board shall establish a network of air quality monitoring stations across the country in such manner as may be prescribed.

(2) The data from air quality monitoring stations established under sub-section (1) shall be made available to the public in real-time.

(3) The State Governments shall take necessary measures to ensure that the air quality index meets the standards set by the Central Board.

Green
practices in
industries.

19C. (1) The State Governments shall encourage industries to adopt green practices by providing incentives as may be prescribed.

(2) The State Governments shall also impose penalties on polluting industries that violate the permissible limits of air pollutants.

Promotion of
public
transport.

19D. (1) The State Governments shall encourage the use of public transport by providing incentives such as reduced fares.

(2) The State Governments shall also promote the use of electric vehicles in public transport.

Promotion of
non-
motorized
transport.

19E. (1) The State Governments shall promote the use of non-motorized transport such as cycling and walking by providing infrastructure such as cycle tracks and pedestrian walkways.

(2) The State Governments shall also encourage citizens to use non-motorized transport by providing incentives as may be prescribed.”.

Insertion of
new section
39A.

4. After section 39 of the principal Act, the following section shall be inserted, namely:—

Penalty for
polluting
industry.

“39A. If any industry violates the provisions of section 19C of this Act, it shall be liable to pay a penalty as may be prescribed.”.

STATEMENT OF OBJECTS AND REASONS

Air pollution is a growing concern across India, with the adverse effects of air pollution on human health and the environment becoming increasingly evident. The emission of greenhouse gases from various human activities is contributing to climate change, which poses a significant threat to the planet.

The proposed Bill seeks to address these issues by promoting clean air, better air quality, and encouraging the adoption of green practices in various sectors of the economy. The need is also to establish a National Clean Air Plan, which will be implemented by the State Governments in a time-bound manner. The National Clean Air Plan shall include measures to reduce emissions from polluting industries and transportation sectors, promote the use of clean energy sources, electric vehicles, and public transport, and encourage the use of non-motorized transport such as cycling and walking.

The proposed Bill also aims to establish a network of air quality monitoring stations across the country and the data from these stations will be made available to the public in real-time. The State Governments will be required to take necessary measures to ensure that the air quality meets the standards set by the Central Pollution Control Board.

The Bill further encourages industries to adopt green practices by providing incentives such as tax breaks and subsidies. The State Governments will also be required to impose penalties on polluting industries that violate the permissible limits of air pollutants.

The Bill seeks to promote the use of public transport by providing incentives such as reduced fares and promoting the use of electric vehicles in public transport. The State Governments will also be required to promote the use of non-motorized transport such as cycling and walking by providing infrastructure such as cycle tracks and pedestrian walkways.

The Bill, therefore, seeks to amend the Air (Prevention and Control of Pollution) Act, 1981 with a view to establish National Clean Air Plan and Air Quality monitoring Stations to promote clean air, better air quality, and encourage the adoption of green practices across various sectors of the economy. By doing so, it aims to contribute towards a healthier and more sustainable future for India.

Hence this Bill.

New Delhi;
July 9, 2024.

HIBI EDEN

FINANCIAL MEMORANDUM

Clause 3 of the Bill *vide* proposed section 19B provides for the Central Pollution Control Board to establish a network of air quality monitoring stations across the country in such manner as may be prescribed. The Bill, therefore, if enacted would involve expenditure from the Consolidated Fund of India. It is estimated that a recurring expenditure of about rupees eight thousand and five hundred crore is likely to be involved per annum from the Consolidated Fund of India.

A non-recurring expenditure of rupees seven hundred crore is also likely to be involved.

Bill No. 101 of 2024

A Bill to establish the Airlines Passenger Services Authority for the protection of passenger rights in airlines and to provide compensation for flight delay, cancellation, denied boarding, and baggage lost or damage and to regulate the rights of frequent travellers in India;

Whereas, airlines passengers face various issues such as flight delay, cancellation, denied boarding, and baggage lost or damage, leading to inconvenience and financial loss;

And Whereas, travellers shall be protected under regulations that guarantee their rights in case of any inconvenience or loss;

And Whereas, it is necessary to establish the Airlines Passenger Services Authority to regulate and protect passenger rights and to provide compensation for any inconvenience or loss,

Be it enacted by Parliament in the Seventy-fifth Year of the Republic of India as follows:—

1. (1) This Act may be called the Airlines Passenger Services Authority Act, 2024.

Short title and
commencement.

(2) It shall come into force on such date as the Central Government, may by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires:—

(a) “airline” means all commercial flights operating in the country either on domestic or international routes;

(b) “Appellate Tribunal” means Appellate Tribunal established under section 6;

(c) “Authority” means the Airlines Passenger Services Authority established under section 3;

(d) “compensation” means the payment to be made to the passenger for any inconvenience, loss or damage caused to them while traveling in any airlines;

(e) “frequent traveller” means a passenger who travels by any airlines at least twice a month for business or personal purposes;

(f) “passenger” means any person who travels by any airlines for any purpose; and

(g) “prescribed” means prescribed by rules made under this Act.

Establishment
of Airlines
Passenger
Service
Authority.

3. (1) The Central Government shall, by notification in the Official gazette, establish an authority to be known as the Airlines Passenger Services Authority for carrying out the purpose of this Act.

(2) The Authority shall consist of a Chairperson and such number of other members as the Central Government may deem fit.

(3) The Chairperson and members of the Authority shall be appointed by the Central Government on the recommendation of a Selection Committee consisting of,—

(a) Union Cabinet Secretary — Chairperson, ex-officio;

(b) Secretary, Union Ministry of Civil Aviation — Member, ex-officio; and

(c) Chairperson, National Consumer Disputes Redressal Commission — Member, ex-officio.

(4) The Salary and allowances and other term of office of the Chairperson and Members of the Authority shall be such as may be prescribed.

Functions of
the
Authority.

4. The Authority shall,—

(a) regulate and protect the rights of passengers traveling in any airline;

(b) formulate policies, guidelines, and procedures for the protection of right of passenger;

(c) monitor and enforce compliance with the policies, guidelines, and procedures formulated by the Authority;

(d) conduct research, collect data, and publish reports on the status of passenger rights in the country;

(e) promote awareness among passengers regarding their rights;

(f) issue directions to any person, entity, or organization engaged in any airlines to comply with the policies, guidelines, and procedures formulated by the Authority;

(g) impose penalties on any person, entity, or organization that violates the policies, guidelines and procedures formulated by the Authority;

(h) adjudicate disputes arising out of any airline including but not limited to flight delay, cancellation, denied boarding, and baggage lost or damage;

(i) order compensation to be paid to passengers for any inconvenience, loss or damage caused to them while traveling in any airlines;

(j) conduct investigations into any alleged violation of the policies, guidelines, and procedures formulated by the Authority;

(k) collect and maintain data on passenger complaints and grievances and take appropriate action to resolve them.

(l) make recommendations to the Central Government for the improvement of passenger rights in the country; and

(m) undertake such other functions as may be prescribed.

5. Any person aggrieved by an order of the Authority may prefer an appeal to the Appellate Tribunal established by the Central Government under section 6 in such manner as may be prescribed. Appeals.

6. (1) The Central Government shall, by notification in the Official gazette, establish an Appellate Tribunal for carrying out the purpose of this Act. Establishment of Appellate Tribunal.

(2) The composition of, and other terms and conditions of the Appellate Tribunal shall be such as may be prescribed.

7. The Appellate Tribunal shall have the powers of a civil court while trying a suit under the Code of Civil Procedure, 1908, and shall have the power to pass interim orders and directions pending the disposal of the appeal. Powers of the Appellate Tribunal.

8. The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide requisite funds to the Authority for carrying out the purposes of this Act. Central Government to provide funds.

9. The Authority shall maintain proper accounts and other relevant records and prepare an annual statement of accounts in such form as may be prescribed. Accounts.

10. No suit, prosecution, or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done under this Act. Protection of action taken in good faith.

11. (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order, published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act as may appear to be necessary for removing the difficulty: Power to remove difficulties.

Provided that no order shall be made under this section after the expiry of two years from the commencement of this Act.

(2) Every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament.

12. (1) The Central Government, in consultation with the State Governments, may by notification in the Official Gazette, make rules for carrying out the purposes of this Act. Power to make rules.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be, so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

The rapid growth of the transportation industry has led to an increase in the number of passengers who rely on various modes of transportation, such as airlines, railways, and roadways, to travel across the country. However, there have been numerous instances of passengers facing inconvenience and difficulties due to delays, cancellations, denied boarding, and loss or damage to baggage. Despite the existence of various laws and regulations, passengers often struggle to enforce their rights and receive proper compensation for such issues.

Therefore, the purpose of this Private Members Bill is to establish an All India Passenger Services Authority to ensure the protection of the rights of passengers traveling through various modes of transportation. The proposed authority will serve as a regulatory body that will oversee the functioning of passenger services provided by airlines, railways, and roadways.

The authority will have the power to enforce strict guidelines for the protection of passengers' rights, including compensation for flight delay, cancellation, denied boarding, and baggage loss or damage. The authority will also ensure that passengers who frequently travel to different destinations feel protected under the regulations.

The proposed bill aims to provide passengers with a sense of security and protection when traveling across the country. It is essential to establish a regulatory body that can safeguard passengers' rights and enforce strict guidelines to ensure that transportation service providers comply with the regulations.

Therefore, the proposed All India Passenger Services Authority Bill seeks to address the issue of protecting passengers' rights and improving the quality of passenger services provided by transportation service providers in the country.

NEW DELHI;

HIBI EDEN

July 9, 2024

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for establishment of a authority to be known as the Airlines Passenger Services Authority to carry out the purpose of this Act. Clause 6 provides for the establishment of Appellate Tribunal for carrying out the purpose of this Act. Clause 8 provides for Central Government to provide requisite funds to the Authority. The Bill, therefore if enacted, would involve expenditure from the Consolidated Fund of India. It is estimated that a recurring expenditure of rupees hundred crore will be involved.

A non-recurring expenditure of about rupees five crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 12 of the Bill empowers the Central Government to make rules for carrying out the purposes of this Bill. As the rules relate to matters of detail only, the delegation of legislative power is of a normal character.

Bill No. 70 of 2024

A Bill to regulate the functioning of play schools and for matters connected therewith or incidental thereto.

Be it enacted by Parliament in the Seventy-fifth Year of the Republic of India as follows:—

1. (1) This Act may be called the Play Schools (Regulation) Act, 2024.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Short title,
extent and
commencement.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) “appointed day” means the date of the commencement of this Act;

(b) “appropriate Government” means in the case of a State, the Government of that State and in all other cases, the Central Government;

(c) “authority” means the Play Schools Education Authority constituted by appropriate Government under section 3;

(d) “play school” means an elementary school or formal centre or institution including private schools imparting pre-school or nursery education to children before their enrolment in the first standard; and

(e) “prescribed” means prescribed by rules under the Act.

Constitution
of the Play
Schools
Education
Authority.

3. (1) With effect from the appointed day, the appropriate Government shall, by notification in the Official Gazette, constitute an authority to be known as the Play Schools Education Authority to regulate within its territorial jurisdiction, the functioning of play schools and conditions of service for teachers working in such schools.

(2) The authority shall consist of—

(a) a Chairperson to be appointed by the appropriate Government; and

(b) a maximum of twelve members to be appointed by the appropriate Government:

Provided that the number of members shall, in no case, be less than six.

(3) The Chairperson and other members referred to in sub-section (2) shall be chosen from amongst the persons who have special knowledge and at least twenty years of experience in the field of education.

(4) The term of office and conditions of service of the Chairperson and the other members shall be such as may be prescribed.

(5) The appropriate Government shall appoint such number of officers and staff to assist the authority, as it considers necessary, for its efficient functioning.

Functions of
the Authority.

4. (1) It shall be the duty of the authority to regulate the functioning of play schools and conditions of service of teachers, under its jurisdiction.

(2) Without prejudice to the generality of the provisions contained in sub-section (1), the authority may,—

(a) fix the student-teacher ratio;

(b) put a ceiling on the tuition fee and other charges;

(c) fix the hours of duty of teachers;

(d) monitor the funds collected by the schools;

(e) suggest the type of infrastructure to be maintained and the safety conditions to be ensured;

(f) prescribe curriculum;

(g) require setting up of a grievance redressal mechanism;

(h) recommend to the appropriate Government the mechanism for registration and recognition of play schools; and

(i) perform such functions as may be prescribed.

Power to
make
regulations.

5. (1) The Authority may, with the previous approval of the appropriate Government, make regulations consistent with this Act for regulating the minimum qualifications for recruitment and the conditions of service of teachers of play schools.

(2) Subject to any regulation that may be made in this behalf, no teacher of a play school shall be dismissed or removed nor shall his service be otherwise terminated except with the prior approval of the authority.

6. The salary, allowances, medical facilities, pension, gratuity, provident fund and other benefits of the teachers of play school shall not be less than those of the teachers of the corresponding status in schools run by the appropriate Government.

Salary, allowances and other benefits to teachers.

7. No play school shall charge a tuition fee or collect other charges or receive payments, in excess of the amounts specified by the authority:

Fee and other charges.

Provided that every play School shall obtain prior approval of the authority for charging tuition fee or collecting other charges or receiving payments, exceeding the amounts specified by the authority.

8. If the appropriate Government, on receipt of a report from the authority, is satisfied that the managing committee of any play school has neglected to perform its duties imposed on it by or under this Act or any rules or regulations made thereunder and it is expedient in the interest of the school education to close down such school, it may, after giving reasonable opportunity of being heard to the managing committee of the school, order closing down of such school for such period as it may consider appropriate:

Closing down of play schools.

Provided that if the school is a recognized play school, the appropriate Government may also withdraw its recognition.

9. The provisions of this act shall be in addition to and not in derogation of any other law or rules made thereunder for the time being in force.

Act not to be in derogation of other laws.

10. (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order, published in the Official Gazette, make such provisions not inconsistent with the provisions of this act, as may be necessary for removing the difficulty:

Power to remove difficulties.

Provided that no order shall be made under this sub-section after the expiry of the two years from the appointed day.

(2) Every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament.

11. (1) The appropriate Government may, by notification in the Official Gazette, make rules for carrying out the purpose of this Act.

Power to make rules.

(2) Every rule made under this Act by the Central Government shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

(3) Every rule made by the State Government under this Act shall be laid, as soon as may be after it is made, before the State Legislature.

STATEMENT OF OBJECTS AND REASONS

The non-formal schooling and early childhood care is predominantly in private sector. The play schools have mushroomed all over the country, especially in urban areas. They are being governed by laws relating to Establishment of Shops of the concerned States. The early days of kids are spent in these schools as many parents are now putting their kids in these schools as early as one year of age. Foundation of mental and physical development of little children is laid in play schools. Play school now-a-days has become a big business opportunity. In the absence of any legislative check, complaints of parents and non-Governmental Organisations are not addressed by these schools. As play schools are laying foundation of a child's future, they should not be governed by any business Act but by an education Act.

The Bill, therefore, seeks to regulate the functioning of play schools in the country not only to ensure quality education and guidance in play schools, but also to protect the parents from unnecessary exploitation.

Hence this Bill.

NEW DELHI;
July 9, 2024.

JANARDAN SINGH 'SIGRIWAL'

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides that the appropriate Government shall, within its territorial jurisdiction, constitute Play Schools Education Authority to regulate the functioning of the play schools. The expenditure relating to the States shall be borne out of the Consolidated Funds of the respective States. However, the expenditure in respect of Union territories shall be borne out of the Consolidated Fund of India. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that sum of rupees one crore will be involved as recurring expenditure per annum from the Consolidated Fund of India.

A non-recurring expenditure to the tune of rupees ten lakh is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 5 of the Bill empowers the Authority to make regulations for regulating the minimum qualifications for recruitment and conditions of service of teachers of play schools. Clause 11 empowers the appropriate Government to make rules for carrying out the purposes of the Bill. The matters in respect of which rules and regulations may be made are matters of administrative details and procedure and, as such, the delegation of legislative powers is of a normal character.

Bill No. 89 of 2024

A Bill to provide for reservation of posts in Government Establishments and formulation of welfare schemes and programmes for orphans and for matters connected therewith or incidental thereto.

Be it enacted by Parliament in the Seventy-fifth Year of the Republic of India as follows :—

CHAPTER I

PRELIMINARY

1. (1) This Act may be called the Orphans (Reservation of Posts in Government Establishments and Welfare) Act, 2024.

Short title,
extent and
commencement.

(2) It extends to the whole of India.

(3) It shall come into force on such date, as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) “appointing authority”, means the authority empowered in an establishment to make appointment to service of post;

(b) “appropriate Government’s means,—

(i) in relation to the Central Government or any establishment wholly or substantially financed by that Government, the Central Government; and

(ii) in relation to a State Government or any establishment, wholly or substantially financed by that Government, or any local authority, the State Government;

(c) “establishment” means every body or authority founded, owned, controlled, managed or financed by the appropriate Government and includes the following,—

(i) any body or authority established by or under a Central Act or a State Act or an authority or a body owned or controlled or aided by the Government or a local authority, or a Government company as defined in section 2 of the Companies Act, 2013, and includes a Department of the Government; or

18 of 2013.

(ii) any company or body corporate of association or body of individuals, firm, cooperative or other society, association, trust, agency or institution.

(d) “Group ‘A’ post” means a post which is classified as such by the President in exercise of the powers conferred by the proviso to article 309 of the Constitution or by or under any Act of Parliament and includes an equivalent post in any establishment;

(e) “orphan” means a persons below the age of eighteen years who has lost both parents due to death or disappearance, abandonment or desertation by, or separation;

(f) “prescribed” means prescribed by rules made under this Act; and

(g) “scientific or technical post” includes, post for which qualification in natural sciences or exact sciences or applied sciences or technology are essential and the incumbent of such post shall have to use his or her knowledge in such sciences for discharge of duties.

CHAPTER II

RULES AND REGULATIONS FOR RESERVATIONS

Reservation of posts for orphans appointment in civil services.

3. (1) The appropriate Government shall reserve such percentage of posts for persons who have been an orphan for appointment in civil services by direct recruitment and promotion, in such manner, as may be prescribed.

(2) The vacancy reserved for orphans under sub-section (1) shall be filled in such manner as may be prescribed.

No reservations in certain cases.

4. (1) Notwithstanding anything contained in section 3, there shall be no reservation where appointments are made—

(i) for a period of less than forty-five days;

(ii) for any emergency relief work; and

(iii) to posts higher than the lowest grade of Group ‘A’ posts and to posts classified as scientific or technical posts.

(2) The Central Government may, by notification in the Official Gazette, include or omit any institution of national importance and Indian Institutes of Management from the

purview of this Act and on the publication of the notification, such institution shall be deemed to be included in or as the case may be, omitted under this Act.

(3) Every notification issued under sub-section (2) shall be laid before each House of Parliament.

5. Notwithstanding the provision of section 3, appointment to an unreserved vacancy shall be open to all eligible persons including an orphan. Appointment to unreserved vacancy.

6. (1) The maximum age limit fixed for direct recruitment to a service or post shall be increased by five years for the persons who have been an orphan. Relaxation of age.

(2) The maximum age limit fixed for promotion to a post, if any, shall be increased by five years for the orphans:

Provided that no relaxation shall be available where the maximum age limit for promotion has been fixed above fifty years.

7. The examination fee or application fee, determined for recruitment to a service or post through competitive examination or otherwise, may be reduced to such extent for the orphans, as may be prescribed. Fees concession.

8. The vacancies reserved for the persons who have been an orphan shall be filled by the orphans exclusively. Reserved vacancies to be filled by orphans only.

9. Where posts in an establishment are to be abolished and as a result thereof, the services of certain persons are required to be either surrendered or terminated, no such surrender or termination shall be made in respect of the orphans, if it results in lowering their representation in relation to the percentage of reservation fixed for them. Abolition of posts in an establishment.

CHAPTER III

MEASURES BY GOVERNMENT

10. The appropriate Government shall take steps to secure full and effective participation of orphans and their inclusion in society which may include: Measures to be taken by appropriate Government.

(i) taking such measures as may be necessary to protect the rights and interests of orphans, and facilitate their access to reservations as framed by that Government by issuing orphan certificate in such manner as may be prescribed.

(ii) formulation of welfare schemes and programmes which are sensitive and non-discriminatory towards orphans.

(iii) taking steps for the rescue, protection and rehabilitation of orphans to address the needs of such persons.

(iv) developing and organizing training programmes to advance the competence of the orphans for appointment to services and posts.

CHAPTER IV

OBLIGATION OF ESTABLISHMENTS AND OTHER PERSONS

11. (1) Every establishment shall designate an officer of such rank, as may be prescribed, to function as a liaison officer for the purpose of ensuring that the provisions of this Act or the rules made thereunder are not contravened. Appointment of a Liaison officer.

(2) The liaison officer shall, from time to time, inspect and verify the documents, records and reports with respect to appointments of the orphans made by the appointing authority by direct recruitment or promotion.

(3) Where the liaison officer is satisfied that any establishment has contravened the provisions of this Act or the rules made thereunder or any direction or instruction issued, he shall submit a report of such contravention to the head of the establishment.

(4) On receipt of the report of contravention under sub-section (3), the head of establishment shall take such disciplinary action against the person responsible for such contravention as may be prescribed.

Maintenance of records by appointing authority.

12. Every appointing authority, shall maintain documents and records, and furnish every year a report on the appointments of the orphans made by direct recruitment and promotion to the appropriate Government in such manner and at such time, as may be prescribed.

CHAPTER V

OFFENCES AND PENALTIES

Penalties for false claim.

13. Whoever intentionally,—

(i) makes a false claim that he is an orphan; or

(ii) issues a false orphans certificate,

shall be liable for punishment for a term, which may extend to three years.

14. Where any person responsible for implementing the provisions of this Act or the rules made thereunder, intentionally breaches any of such provisions, he shall be liable for disciplinary action under the service rules.

CHAPTER VI

MISCELLANEOUS

Act to have overriding effect.

15. The provisions of this Act shall be in addition to, and not derogation of, any other law for the time being in force.

Protection against legal proceedings.

16. No suit, prosecution or other legal proceeding shall lie against the appropriate Government or any local authority or any officer of the Government in respect of anything which is in good faith done or intended to be done in pursuance of the provisions of this Act and any rules made thereunder.

Power to move rules.

17. (1) The appropriate Government may, by notification in the Official Gazette, make rules for carrying out the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing powers, such rules may provide for all or any of the following matters, namely:—

(a) the percentage of posts for reservation and the manner of reservation under sub-section (1) of section 3;

(b) the manner of filling vacancies under sub-section (2) of section 3;

(c) the extent of reduction in examination fee and application fee under section 7;

(d) the rank of the officer to be designated as the liaison officer under sub-section (1) of section 11;

(e) the documents and records to be maintained and the time and manner of furnishing report under sub-section (1) of section 12; and

(f) any other matter which is required to be or may be prescribed.

(3) Every rule made by the Central Government under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

(4) Every rule made by the State Government under this Act shall be laid, as soon as may be after it is made, before the State legislature.

STATEMENT OF OBJECTS AND REASONS

As of now, India did not have an official figure on the number of orphans in this country. The latest number is estimated around 20 million, based on a study carried out by the SOS Children's Village Faridabad based NGO by analyzing data from the National Family Health Survey-3, in 2011. This vacuum is itself a testament to the treatment orphans face.

Though orphans have an identity while staying at orphanages, once they turn 18, society renders them useless. Without government identification, birth certificates, or residential proofs, it is almost impossible for them to access higher opportunities for education or employment. Therefore, it is important for the Government to recognize orphans as socially and economically deprived groups and provide them with reservations. Additionally, given that India has the world's largest youth population it is imperative that the Government, through Job reservation, brings orphans one step close towards empowerment and the youth of our country towards a brighter future.

Hence this Bill.

NEW DELHI;
July 9, 2024.

JANARDAN SINGH 'SIGRIWAL'

FINANCIAL MEMORANDUM

Clause 10 of the Bill, *inter alia*, provides for formulation of welfare schemes and programmes for the orphans, rehabilitation of orphans and developing and organizing training programmes to advance the competence of the orphans for appointment to services and posts. Clause 12 provides for the maintenance of records by the appointing authority.

The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. However, it is not possible at this stage as to the exact amount which is likely to be incurred towards recurring and non-recurring expenditure for the purpose.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 17 of the Bill empowers the appropriate Government to make rules for carrying out the provisions of the Bill. As the matters in respect of which rules may be made under the aforesaid provisions are matters of procedure and administrative details and it is not practicable to provide for them in the Bill itself. The delegation of legislative power is, therefore, of a normal character.

Bill No. 84 of 2024

A Bill to provide for the constitution of a Rural Labour Welfare Fund for the welfare of the rural labour employed in the agriculture and other rural occupations and for matters connected therewith.

Be it enacted by Parliament in the Seventy-fifth Year of the Republic of India as follows:—

1. (1) This Act may be called the Rural Labour Welfare Fund Act, 2024.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Short title,
extent and
commencement.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) “employer” means the cultivator, orchard owner, poultry farm owner, agency, society including cooperative society or any establishment in a rural area which employs rural labour;

(b) “Fund” means the Rural Labour Welfare Fund established under section 3;

(c) “prescribed” means prescribed by rules made under this Act; and

(d) “rural labour” means any person engaged in agriculture, sericulture, poultry, horticulture, handicrafts or any related occupation in rural areas as a wage earner, whether in cash or kind, for his livelihood and includes a person engaged through a contractor or engaged as a self employed person.

Constitution
of Rural
Labour
Welfare Fund.

3. (1) With effect from such date, as the Central Government may, by notification in the Official Gazette, specify in this behalf, there shall be constituted for the purposes of this Act, a Fund to be called the Rural Labour Welfare Fund.

(2) The Central Government shall, after due appropriation made by Parliament by law in this behalf, credit to the Fund in each financial year such sums of money as it considers necessary for carrying out the purposes of this Act.

Utilisation of
Fund.

4. The Fund shall be utilized by the Central Government to meet the expenditure in connection with measures which in the opinion of the Central Government, after consulting the Governments of the States and Union territories Administrations, are necessary or expedient to promote the welfare of the rural labour and in particular:—

(a) to defray the cost of measures to be carried out for the benefit of rural labour towards—

(i) providing water supply for drinking and other purposes;

(ii) providing educational facilities;

(iii) the improvement of standard of living and nutrition;

(iv) amelioration of the social conditions;

(v) providing housing and recreational facilities;

(vi) rendering financial assistance in case of infirmity or disability due to accident, old age, or any other reason; and

(vii) providing such other welfare measures as may be prescribed.

(b) to grant loan, assistance or subsidy to Government of any State, Union territory Administration, local authority or any organisation for any scheme approved by the Central Government for the purposes connected with the welfare of rural labour;

(c) to pay annually grant-in-aid to Government of any State or Union territory administration, local authority or an employer or any other organisation which provides to the satisfaction of the Central Government such welfare measures and facilities of the prescribed standard for the benefit of rural labour;

(d) to meet the cost of administering the Fund; and

(e) any other expenditure which the Central Government may direct to be defrayed from the Fund.

State Advisory
Committees.

5. (1) The Central Government may constitute as many Advisory Committees as it deems fit to advise the Central Government on such matters arising out of the implementation of the provisions of this Act:

Provided that atleast one Advisory Committee for each State and Union territory shall be constituted by the Central Government in consultation with the respective State Government and Union territory Administration.

(2) The Central Government shall appoint Chairperson and such number of members, as may be prescribed, of each Advisory Committee.

(3) The term of office and other conditions of service of the Chairperson and members shall be such as may be prescribed.

6. (1) The Central Government shall constitute a Central Advisory Committee to coordinate the work of the Advisory Committees constituted under section 5 and to advise the Central Government on any matter arising out of the implementation of provisions of this Act. Central Advisory Committee.

(2) The Central Government shall appoint Chairperson and such number of members, as may be prescribed, of the Central Advisory Committee.

(3) The term of office and other conditions of service of the Chairperson and other members shall be such as may be prescribed.

7. (1) The Central Government may appoint as many Rural Labour Welfare Fund Commissioners, Inspectors and such other officers and staff as it deems necessary for carrying out the purposes of this Act. Appointment of Commissioners, Inspectors and other officers.

45 of 2023.

(2) Every person appointed under this section shall be deemed to be a public servant within the meaning of sub-section (28) of section 2 of the Bharatiya Nyay Sanhita, 2023.

(3) Any officer or inspector appointed under this Act, may,—

(a) with such assistance, if any, as he may deem fit, inspect at any reasonable time any place which he considers necessary for carrying out the purposes of this Act;

(b) do within such place anything necessary for the proper discharge of his duties; and

(c) exercise such other powers as may be prescribed.

8. The Central Government may require a State Government or a Union territory Administration or a local authority or an employer to furnish for the purposes of this Act, such statistical and other information in such form and within such period as may be prescribed. State Government to furnish requisite information.

9. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act. Power to make rules.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for,—

(a) the manner in which the fund may be applied;

(b) the conditions governing the grant of loans or subsidy;

(c) the conditions governing grant-in-aid;

(d) the standard of welfare measures and facilities to be provided out of the fund;

(e) the composition of the Advisory Committees and Central Advisory Committee constituted under sections 5 and 6 respectively and the manner in which the members thereof shall be appointed;

(f) the term of office of such members, the allowances, if any, payable to them and the manner in which the Advisory Committee and the Central Advisory Committee shall conduct their business;

(g) the recruitment, conditions of service and duties of all persons appointed under section 7; and

(h) the powers that may be exercised by an officer or inspector appointed under section 7.

(3) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

India resides in villages and eighty-five per cent. of its rural population earns its livelihood from agriculture. There are cultivators, orchard owners, poultry owners, agricultural workers and home based workers in the rural areas. Their number runs into crores. However, their wages and income are meagre and many of them do not get employment throughout the year. These rural labourers also become an easy prey to the debt trap of the landlords and moneylenders who force them to become bonded labourers. Most of them remain very poor throughout their lives and live in distress for generations. In a welfare State like ours, there are no welfare schemes or funds for these helpless rural labourers whereas in the industrial sector there are Labour Welfare Boards and cess is levied and collected through legislative measures in order to provide them various amenities including housing, education and medical care. But the rural labourers are unorganized, poverty stricken and neglected, even by the State.

It is, therefore, necessary that the deteriorating plight of rural workers be felt at national level and the Central Government should constitute a Rural Labour Welfare Fund for financing adequately and systematically the welfare measures to be carried out for the rural and agricultural labour throughout the country so as to achieve the goals of a welfare State in its true sense.

Hence this Bill.

NEW DELHI;
July 9, 2024.

JANARDAN SINGH 'SIGRIWAL'

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the constitution of the Rural Labour Welfare Fund. Clause 5 provides for the constitution of Advisory Committees. Clause 6 provides for constitution of a Central Advisory Committee. Clause 7 provides for appointment of Rural Labour Welfare Commissioners, Inspectors and officers and staff for carrying out the purposes of this Bill. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India but it is not possible at this stage to give the precise details of the expenditure that would be involved. It is, however, estimated that it will involve a recurring expenditure of about rupees two hundred crore per annum.

It will also involve a non-recurring expenditure of about rupees sixty lakh.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 9 of the Bill provides that the Central Government may make rules for carrying out the purposes of this Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.